



MEETING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

MINUTES

DATE

1 OCTOBER 2026

VENUE:

(SEPTEMBER 2026 CYCLE)

**TOWN PLANNING COMMITTEE
ROOM**

TIME:

12:00



**OVERSTRAND
MUNICIPAL PLANNING TRIBUNAL**

**MINUTES OF A MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL,
HELD IN THE TOWNPLANNING
COMMITTEE ROOM ON
1 OCTOBER 2026 AT 12:00**

PRESENT:

MEMBERS:

Mr D Adonis, Director : Municipal Public Safety
Mr H Blignaut, Principal Engineer : Civil
Infrastructure Planning
Ms R Louw, Divisional Manager : Strategic Support
Services
Mr D Hendriks, Principal Engineer : Project
Management (PMU)

OFFICIALS:

Mr R Kuchar, Divisional Manager : Town & Spatial
Planning
Ms H Van der Stoep, Principal Town Planner
Mr S van der Merwe, Principal Town Planner
Mr B Minnaar, Town Planner
Mr P Roux, Town Planner
Ms S Swart, Senior Committee Officer

APOLOGIES:

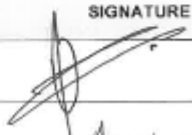
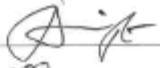
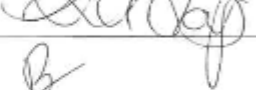
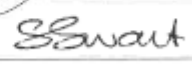
Ms T de Waal, Directorate Development Planning
Mr H Olivier, Town Planner
Ms C Fisher, Chief Clerk: Committee Services

**MUNICIPAL PLANNING TRIBUNAL
 ATTENDANCE REGISTER**

Date: **1 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	Apology
H BLIGNAUT	MPT MEMBER OVERSTRAND MUNICIPALITY	
R LOUW	MPT MEMBER OVERSTRAND MUNICIPALITY	
D HENDRIKS	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	Leave (Apology)
B MINNAAR	TOWN PLANNER OVERSTRAND MUNICIPALITY	
S WART	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	
C FISHER	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	Apology

1. OPENING

The Chairperson opened the meeting and welcomed those present.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Ms T de Waal
Mr H Olivier
Ms C Fisher

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 1 September 2026****RESOLVED:**

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

3.2 Minutes of a Special Municipal Planning Tribunal Meeting held on 14 September 2026**RESOLVED:**

that the Minutes of the **Special Municipal Planning Tribunal Meeting** held on **14 September 2026**, be approved.

4. ITEMS FOR CONSIDERATION

4.1

ERF 192, 5 QUEEN VICTORIA STREET, STANFORD: APPLICATION FOR CONSENT USE, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF FMA KREBSER

192 STAN (4947/2025)

P Roux

(028) 313 8900

Hermanus Administration

02 September 2026

EXECUTIVE SUMMARY

An application was received on 03 July 2025 from Messrs WRAP Project Office on behalf of the owners of Erf 192, Stanford in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law, to accommodate a place of entertainment,
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law, to depart from the prescribed parking provisions, and
- ❖ **Determination of an administrative penalty** in terms of Section 90 of the By-law.

RESOLVED:

1. that the comment received, **be noted**;
2. that the application for **consent use** in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 192, Stanford, to accommodate a place of entertainment, **not be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for **departure** from the prescribed parking provisions in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 192, Stanford, **not be approved** in terms of the provisions of Section 61;
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 192, Stanford for the continuation of the place of entertainment, **not be exempted** and that the payment of R34 607.80 be made within 60 days of this decision;

5. that the applicant 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; and
6. that the commenters be informed of their appeal right in terms of Section 78 of the By-Law with regard to the decision above.

REASONS FOR THE RESOLUTION:

- There is no evident information provided regarding the exact placement of the speakers indoors.
- No information is provided how the building will be altered to ensure sound/noise is not leaked/emitted to the residential properties.
- Outside seating will still be used by the patrons which can cause revelry which can also add to excessive sounds being heard in the neighbourhood. The property owner will be unable or willing to quiet down the patrons as it is a part of the restaurant's character.
- The departure from the parking ratios is not desirable due to the volume of additional parking required for visitors to the restaurant.
- The place of entertainment draws larger than normal crowds when compared to similar uses in other towns in the Overstrand and current operations are already indicative that the neighbouring property is used for the provision of parking.
- With regards to the provision of alternative parking, the municipality cannot implement a different approach for Stanford than the rest of the Overstrand. This will cause an unfair and unequal implementation of the regulations in the Overstrand.
- The proposal in its current form is considered to have a negative impact on Stanford and its character which is considered a tranquil and quiet town.
- The noise impact assessment does not fully account for the unique attributes of Stanford and that the town centre is of a quiet nature with most of the commercial activity ending at 17:00.

RESPONSIBLE OFFICIAL :**P ROUX**

4.2

ERF 237, 3 ARMAGH ROAD, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF PH SEVEN (PTY) LTD

237 HWC (5132/2025)

B Minnaar

(028) 313 8900

Hermanus Administration

3 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 13 November 2025 from Messrs PlanActive Town and Regional Planners on behalf of PH Seven (Pty) Ltd applicable to Erf 237, Hermanus (Westcliff) for the following:

- ❖ **Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law of condition A.(a), A.(b) and A.(d) as contained in Title Deed T45973/2025.
- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law in order to operate a 4 (four) bedroom guest house and a manager's cottage on the property.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
 - encroach the rear building line from 2m to 1.578m and 1.630m respectively to accommodate a portion of the existing bedroom and bathroom of managers cottage;
 - encroach the south-western lateral building line from 2m to 1.204m and 1.266m respectively to accommodate portions of the bedroom and living area of managers cottage;
 - encroach the north-eastern lateral building line from 2m to 1.247m and 1.198m respectively to accommodate the existing pergola;
 - encroach the rear building line from 2m to 0m to accommodate the proposed braai, and
 - encroach the street building line from 4m to 0m to accommodate the proposed pizza oven.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to for the existing building encroachments.

RESOLVED:

1. that the objections and comment received **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** A.(a), A.(b) and A.(d) as contained in Title Deed T.45973/2025 applicable to Erf 237, Hermanus (Westcliff), in order to accommodate a four (4) bedroom guest house with a manager's/owner's quarters 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 237, Hermanus (Westcliff), in order to operate a four (4) bedroom guest house with a manager's/owner's quarters 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) applicable to Erf 237, Hermanus (Westcliff) for **departure**, **be partially approved** in terms of the provisions of Section 61 of the By-Law;
 - (a) that the departures relating to the following:
 - (i) to relax the rear building line from 2m to 1.578m and 1.630m respectively to accommodate a portion of the existing bedroom and bathroom of managers cottage;
 - (ii) to relax the south-western lateral building line from 2m to 1.204m and 1.266m respectively to accommodate portions of the bedroom and living area of manager's cottage;
 - (iii) to relax the north-eastern lateral building line from 2m to 1.247m and 1.198m respectively to accommodate the existing pergola; and
 - (iv) to relax the rear building line from 2m to 0m to accommodate the proposed braai;

be approved in terms of the provisions of Section 61 of the By-Law; and
 - (b) that the departure to relax the street building line from 4m to 0m to accommodate the proposed pizza oven, **not 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 on the subject property, **be imposed**, and that an administrative penalty fee of **R2 246.38** be payable within thirty (30) days of this decision;

6. that the decisions in paragraphs 2. to 4. above be subject to the following conditions:
- (a) that the approval of the guest house is limited to four (4) guest rooms only;
 - (b) that the manager/owner must reside on the premises permanently in relation to this planning approval;
 - (c) 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;
 - (d) that all the conditions of the Engineering Services Department and Telkom be complied with;
 - (e) that operating guidelines applicable to the guest house and manager which are enforced by the manager of the guest house be drafted and submitted to the Town & Spatial Planning office prior to the guest being operational, and
 - (f) that the rates of the property be amended accordingly in terms of the latest rates policy; and
7. 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 conditions of approval.

REASONS FOR THE RESOLUTION:

Reasons for approval

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection to the application.
- ❖ The objection has been adequately responded to.
- ❖ The actual use of the property remains for residential purposes and is in line with the residential character of the Westcliff area.
- ❖ The subject property must remain consistent with the residential character and maintain the current streetscape.
- ❖ The Overstrand Zoning Scheme Regulations have sufficient control measures when it comes to land use and building line parameters.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners or 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 due to the onus remaining on the property owner to ensure their property has the necessary development rights.

RESPONSIBLE OFFICIAL :**B MINNAAR**

4.3

**ERF 33, 46 BROADWAY, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS:
WRAP PROJECT OFFICE ON BEHALF OF JURDEN SCHUURMAN**

33 HFH (5188/2026)

H Olivier

(028) 313 8900

Hermanus Administration

28 July 2026

EXECUTIVE SUMMARY

An application was received on 3 March 2026 from WRAP Project Office on behalf of Jurden Schuurman on Erf 33, Fisherhaven 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 conditions E.4.(a), E.4.(b) and E.4.(d) as contained in Title Deed T14163/2026 of the property, that limits the development of the property to apartments, that has restrictive building lines and that does not allow subdivision.

The restrictive title deed conditions read as follows:

“E. SUBJECT FURTHER to the following special conditions in Deed of Transfer Number 11717/1975 imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance 33 of 1934 when approving of the establishment of Fisherhaven Township, namely:

4. *This erf shall be subject to the following further conditions, provided especially that where in the opinion of the Administrator, after consultation with the Townships Board and the Local Authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation, subject to compliance with such conditions as he may impose:*

(a) *It shall not be subdivided;*

(b) *It shall be used only for the purpose of erecting thereon a building designed for use as residential flats together with such outbuildings as are ordinarily required to be used therewith;*

(c) *.....*

(d) *No building or structure or any portion thereof except boundary walls or fences shall be erected nearer than 4,72 metres to the street line which forms a boundary common to any adjoining erf, provided that with the consent of the Local Authority, an outbuilding not exceeding 3,05 metres in height measured from the floor to the wall plate may be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 9,45 metres reckoned from the rear boundary. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf.”*

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 Land Use Planning, 2020 on Erf 33, Fisherhaven for the removal of restrictive title deed conditions E.4.(a), E.4.(b) and E.4.(d) as contained in Title Deed T14163/2026 of the property, that limits the development of the property to apartments, that has restrictive building lines and that does not allow subdivision, **be approved**, in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:
 - (a) that all the conditions in the Services Report be complied with; and
 - (b) that the amended title deed be submitted for record purposes to the Municipality.
3. that the following comments be noted:
 - Overstrand Municipal Environmental Division; and
 - Telkom.
4. that the applicant and objector 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 has followed due procedure.
- ❖ None of the relevant departments had any objection.
- ❖ The Overstrand Land Use Scheme Regulations have sufficient control measures when it comes to building lines and land use controls.
- ❖ The objection that the more restrictive building line in the Title Deed remains to ensure the character of the area is not changed, is not supported as the difference from the Title Deed street building line (4,72m) to the Land Use Scheme Street building line (4m) is only 0,72m, and will not have a significant impact on surrounding neighbours or the character of the area.
- ❖ The restrictive condition prohibits the property to be developed for residential zone one purposes, whilst the zoning in terms of the land use scheme prohibits the residential flats to be developed on the property. This application will make development possible.
- ❖ The proposal is considered in line with the Municipality's SDF.
- ❖ The proposal is consistent with the planning principles of Spatial Sustainability and Efficiency in terms of LUPA and SPLUMA, as the removal of the restrictive conditions will support efficient land utilisation and reduce regulatory duplication.

RESPONSIBLE OFFICIAL :**H OLIVIER**

4.4

ERF 537, 15 MARINE DRIVE, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, DEPARTURE AND CONSENT USE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF CEREBRO TRADING (PTY) LTD

537 HWC (5072/2025)

B Minnaar

(028) 313 8900

Hermanus Administration

31 August 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 28 January 2026 from Messrs WRAP Project Office on behalf of Cerebro Trading (Pty) Ltd, the owner of Erf 537, Hermanus (Westcliff) for the following:

- ❖ **Rezoning** of the property in terms of Section 16(2)(a) of the By-Law from General Residential Zone 1: Town Housing (GR1) to General Residential Zone 3: Flats (GR4) to accommodate 9 flats (sectional title) on the property.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the eastern lateral building line from 4,5m to 2,5m to accommodate the proposed lobby and circulation space on ground floor;
 - relax the 4,5m eastern lateral building lines to 0,46m to accommodate the proposed covered lobby access on the ground floor;
 - relax the 4,5m eastern lateral building lines to 3m to accommodate the proposed flat on the ground floor;
 - relax the 4,5m eastern lateral building line to 3m to accommodate the proposed flats on the first and second floor (units 2, 5, 6 and 9);
 - relax the 4,5m eastern lateral building line to 3m to accommodate the proposed lobby and circulation space on the first and second floor;
 - relax the 4,5m western lateral building lines to 3m to accommodate the proposed flats on the first and second floor (units 3, 4, 7, and 8);
 - relax the eastern lateral building line from 4,5m to 2m and 2,16m respectively to accommodate the proposed roof overhang;
 - relax the western lateral building line from 4,5m to 2,79m to accommodate the proposed roof overhang;
 - relax the rear building line from 3m to 2m to accommodate the proposed roof overhang;
 - relax the street building line from 4m to 3,8m to accommodate the proposed roof overhang;
 - deviate from the prescribed development parameters applicable to General Residential Zone 3: Flats (GR4) properties from 3000m² to 980m², and

- deviate from the maximum density allowed to accommodate the proposed 91,8 dwelling units per hectare.
- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law to accommodate tourist accommodation on the property.

RESOLVED:

1. that the objections received, **be noted**;
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), for the **rezoning** of Erf 537, Hermanus (Westcliff) from Residential Zone 1: Single Residential (SR1) to General Residential Zone 3: Flats (GR4); **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** to accommodate tourist accommodation on the 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 **departures** relating to the following:
 - (a) to relax the eastern lateral building line from 4,5m to 2,5m to accommodate the proposed lobby and circulation space on ground floor;
 - (b) to relax the 4,5m eastern lateral building lines to 0,46m to accommodate the proposed covered lobby access on the ground floor;
 - (c) to relax the 4,5m eastern lateral building lines to 3m to accommodate the proposed flat on the ground floor;
 - (d) to relax the 4,5m eastern lateral building line to 3m to accommodate the proposed flats on the first and second floor;
 - (e) to relax the 4,5m eastern lateral building line to 3m to accommodate the proposed lobby and circulation space on the on the first and second floor;
 - (f) to relax the 4,5m western lateral building lines to 3m to accommodate the proposed flats on the first and second floor;
 - (g) to relax the eastern lateral building line from 4,5m to 2m and 2,16m respectively to accommodate the proposed roof overhang;

- (h) to relax the western lateral building line from 4,5m to 2,79m to accommodate the proposed roof overhang;
- (i) to relax the rear building line from 3m to 2m to accommodate the proposed roof overhang;
- (j) to relax the street building line from 4m to 3,8m to accommodate the proposed roof overhang; and
- (k) to deviate from the prescribed development parameters applicable to General Residential Zone 3: Flats (GR4) properties from 3000m² to 980m²

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 Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), for **departures** to deviate from the maximum density allowed to accommodate the proposed 91,8 dwelling units per hectare, **be partially approved** in terms of the provisions of Section 61 of the By-Law, subject to the following:
 - (a) that the density of the subject property be limited to a density of 71.5 dwelling units per hectare.
6. that the approvals in 2., 3. and 4. above, be subject to the following conditions:
 - (a) that a revised site development plan be submitted to this office prior to the submission of building plans, indicating all floors and limited to 7 apartments with the ground floor apartment remaining in place;
 - (b) that building plans be submitted to the Building Control Office, and that all comments from the Building Department and Fire Department be complied with at that stage;
 - (c) that the conditions of the Engineering Services Department: Services Report must be complied with;
 - (d) that a body corporate be established in accordance with the Sectional Titles Act with compulsory membership for all subsequent owners of a sectional title unit within the development; and
 - (e) that house/conduct rules be approved by the body corporate of the development to ensure the management of common property.
7. that the applicant 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; and

8. that the objectors be informed of their appeal right in terms of Section 78 of the By-Law.

REASONS FOR THE RESOLUTION:Reasons for the decisions in paragraphs 2., 3., and 4. above

- ❖ The application has followed due procedure.
- ❖ The concerns raised during public participation have been adequately addressed.
- ❖ All the relevant internal and external departments supported the application.
- ❖ Limiting the approval to 7 apartments reduces the high density of the proposal to an acceptable density in relation to the subject property size and the future development along Marine Drive.
- ❖ A comparison with regards to density cannot be made between different bulk zones, since it provides a skewed perception.
- ❖ The increased density to of the subject property is relatively in line with the strategic planning for the area in terms of the SDF and the OMGMS in relation to the future development in along Marine Drive.
- ❖ The development complies with the applicable height, rear building lines and relative average ground level to enhance view corridors and reduces privacy concerns.
- ❖ The proposal is in line with the general principles of SPLUMA and LUPA as this development will be spatially sustainable, it will not lead to urban sprawl or be developed on agricultural land or environmentally sensitive areas.

RESPONSIBLE OFFICIAL :**B MINNAAR**

The meeting adjourned at 12:23