

## 4.2

**ERF 706, 1 ABERDEEN STREET AND ERF 719, 3 ABERDEEN STREET, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSOLIDATION: WRAP PROJECT OFFICE ON BEHALF OF OVERSTRAND HOSPICE NPC**

706 & 719 HNC (5092/2025)

B Minnaar

25 February 2026

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Hermanus Administration

## 1. EXECUTIVE SUMMARY

An application has been received on 23 September 2025 from WRAP Project Office on behalf of Overstrand Hospice NPC in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erven 706 & 719, Hermanus for the following:

- ❖ **Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions B.(a) & B.(e) as contained in the Title Deed T24118/2020 applicable to Erf 706, Hermanus.

The restrictive conditions read as follows:

*“B. SUBJECT FURTHER to the following special conditions contained in the said Deed of Transfer Number T9117/1937 imposed by the Administrator of the Cape Province with the approval of Hermanus Township Extension No. 3 and in favour of the registered owner of any erf in the township, subject to changes and amendments by the Administrator in terms of the provisions of Section 18(3) of Ordinance No. 33 of 1934:*

*(a) That not more than half the area of this erf be built upon.*

*In favour of the Administrator:*

*(e) That this erf be not subdivided except with consent in writing of the Administrator.”*

- ❖ **Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law for the removal of the of restrictive title deed conditions C.(c), C.(d) and C.(e) as contained in the Title Deed T32176/2013 applicable to Erf 719, Hermanus.

The restrictive conditions read as follows:

*“C. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No. T9574/1927 imposed by the Administrator of the Cape Province when approving of Hermanus Township Extension No. 3 as being in favour of the registered owner of any erf in the Township and subject to amendment or alteration by the Administrator in terms of the conditions of Section 18(3) of Ordinance No. 33 of 1934, namely:*

*(c) That not more than half the area of this erf be built upon.*

*(d) That no building shall be erected within 4,72 metres of any street line which forms a boundary of this erf. No building shall be situated within 2,36 metres of the lateral boundary common to any adjoining erf.*

*(e) That this erf be not subdivided except with consent in writing of the Administrator.”*

- ❖ **Consolidation** in terms of Section 16.(2).(e) of the By-Law to consolidate Erf 706, Hermanus (907m<sup>2</sup>) with Erf 719, Hermanus (895m<sup>2</sup>) to create a consolidated property of 1802m<sup>2</sup> in extent.

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, the proposed Consolidation and Site Development Plans are attached as Annexure C and the Title Deeds are attached as Annexure D.

## **2. DECISION AUTHORITY**

Municipal Planning Tribunal

## **3. BACKGROUND / SITE HISTORY**

Erf 706 is situated in Northcliff and measure 907m<sup>2</sup> in extent. The property is zoned as Business Zone 3: Local Business Zone and is currently under construction to accommodate offices in accordance with the primary land use rights of the subject property.

Erf 707 is situated in Northcliff and measures 895m<sup>2</sup> in extent. The property is zoned as Business Zone 3: Local Business Zone and is currently developed with the Overstrand Hospice.

The intent of the application is to consolidate the two properties and in order to do so, there are conditions contained in the title deed that restricts the development.

The application therefore entails an application for the removal of restrictive title deed conditions as well as the consolidation of the two properties to form one erf.

## **4. SUMMARY OF APPLICANT'S MOTIVATION**

The motivation for the application is summarised as follows (only the main points are conveyed – the detailed motivation report is attached as Annexure B):

### **Background:**

- ❖ Erven 706 and 719, Hermanus (hereafter referred to as the subject properties), are located in Aberdeen Street.
- ❖ Both properties have been owned by Overstrand Hospice for several years. Erf 719 Hermanus is developed with a structure operating as a shop, in line with the current zoning and historic approval.
- ❖ Erf 706 Hermanus was acquired more recently, in 2020, and has undergone several changes since then. A storage area was added in 2024/2025, and the remainder of the existing structure was demolished in mid-2025 to make way for a new building that will optimise the available space on the property and will be used as offices.
- ❖ The owners now intend to consolidate the two properties to enable more efficient operation and to ensure unobstructed movement between them. Several restrictive conditions currently registered in the respective title deeds would be transferred to the title deed of the consolidated property. It is therefore proposed that these restrictive conditions be removed to ensure that the operation and existing structures remain fully compliant with the applicable By-law.

### Removal of Restrictive Title Deed Conditions

- ❖ As discussed above, the intention is to consolidate these two properties. Once consolidated, the title deed conditions from both erven will be transferred to the title deed of the consolidated erf. The Title deed of Erf 719 Hermanus contains a condition that would impose more restrictive building lines on the structures currently being constructed on Erf 706 Hermanus, effectively placing the new structures in conflict with the title deed conditions, which would not be permissible. Both title deeds also contain a restriction preventing the consolidated erf from being subdivided in the future, even though they were originally two separate erven. It is therefore proposed that this condition be removed.
  - No person or entity will be affected financially by the removal of these restrictive title deed conditions.
  - No person is personally benefitting from these conditions as it is only restricting the owners and the development parameters of the erven.
  - The owners will be gaining from the removal of the restrictive conditions as it will allow them to consolidate these properties without restricting future development.
  - The restrictive conditions do not provide social benefits.
  - There is no specific beneficiary of these conditions, and no person or entity will be affected if this is removed.

### Consolidation

- ❖ As discussed above, the intention is to consolidate these two properties. Once consolidated, the title deed conditions from both erven will be transferred to the title deed of the consolidated erf.

Status Quo		
1	Erf 706, Hermanus	907 m <sup>2</sup>
2	Erf 719, Hermanus	895 m <sup>2</sup>
Proposed Consolidation		
Consolidated Property		1802 m <sup>2</sup>

- ❖ The consolidation of Erven 706 and 719 Hermanus will provide several significant benefits, both operationally and in terms of compliance with municipal planning regulations. Operating the properties as a single consolidated erf will allow for more efficient management, ensuring that movement between the properties is unobstructed and that services and access for staff, patients, and visitors are optimised.
- ❖ It will also enable the existing and proposed structures to be better coordinated, making full use of the available space while maintaining compliance with zoning and development parameters. From an administrative perspective, consolidation will simplify land management by reducing the complexity associated with maintaining separate title deeds, particularly in relation to the restrictive conditions currently registered on both erven.

- ❖ Furthermore, the consolidation aligns with the objectives of the OMLUS by enabling a coherent and orderly use of the properties in a manner that supports the operational needs of Overstrand Hospice. Ultimately, the consolidation will strengthen the property's functionality, ensure long-term sustainability of hospice's operations, and continue to provide seamless services to the local community.
- ❖ The current operations on the properties are not proposed to change. The Hospice shop will continue to operate as it currently does, while the new structure being constructed on Erf 706 Hermanus will be utilised for storage and offices to support the staff of Overstrand Hospice.

### Services

- ❖ Electricity, Water and Solid Waste:
  - The subject property is connected to the existing networks in the area, which include electricity, water and sewage. The proposal of this application is not anticipated to impact on existing services. Solid waste is collected every week by the OM.
- ❖ Access, Egress and parking:
  - Access and egress to the property is gained from Aberdeen & Paterson Street.

### Desirability

- ❖ The proposed consolidation and removal of restrictive title deed conditions will have a positive socio-economic effect. Overstrand Hospice provides essential palliative care and support services to the wider Overstrand community free of charge. Formalising the properties as a single erf secures the long-term operation of hospice, safeguarding employment for staff and sustaining a vital local health service. No negative economic impacts are anticipated, as no new commercial activity beyond the existing hospice shop and administrative functions is proposed.
- ❖ The properties are located in Northcliff, a mixed-use area that includes businesses, residences, and institutional uses. The existing hospice shop and the new administrative and storage building are consistent with the Business Zone 3 zoning and compatible with neighbouring land uses. The proposal will not introduce intrusive activities or intensify land use beyond what is typical for the area.
- ❖ The consolidation does not increase demand on municipal engineering services. Water, sewer, electricity, and refuse services are already in place and sufficient to accommodate the existing and proposed structures. No upgrades to bulk infrastructure are required.
- ❖ Hospice provides care that directly supports community health and well-being. The consolidation and removal of restrictive conditions will not generate noise, pollution, or other nuisances. The continued presence of a well-managed, community-oriented facility enhances local safety and contributes to social welfare.
- ❖ The property is not listed in the OM Heritage Register.
- ❖ The subject properties are fully developed urban erven with no sensitive environmental features. Consolidation and the minor building works will have no impact on biodiversity, watercourses, or other natural resources.
- ❖ The consolidation will not increase traffic volumes. Hospice's operations remain unchanged, and staff, visitor, and delivery movements will remain at existing levels. Sufficient on-site parking is provided in accordance with the OMLUS. Existing access points from Aberdeen Street are retained, ensuring safe ingress and egress without adverse effect on the surrounding road network.

### Policy Documents

- ❖ Environmental Protection Overlay Zone (EMOZ)
  - The subject properties are not located within the EMOZ.
- ❖ Heritage Protection Overlay Zone (HPOZ)
  - Erf 719 Hermanus, is located within the Hermanus Historic Core HPOZ. The proposed consolidation and removal of restrictive title deed conditions are not expected to have an impact on the HPOZ.
- ❖ Spatial Planning Policies
  - This proposal is not in conflict with any provisions of the Western Cape Provincial Spatial Development Framework, 2014 or the Overstrand Spatial Development Framework, 2020.

### Planning Principles

#### ❖ Spatial Justice

The application supports spatial justice by enabling Overstrand Hospice, a community-based, non-profit healthcare provider, to continue offering free palliative care to residents across the Overstrand area. By removing outdated restrictions and consolidating the properties, the proposal ensures that valuable community health services remain accessible to all income groups and demographics, aligning with SPLUMA's objective of redressing past imbalances and providing equitable access to social facilities.

#### ❖ Spatial Sustainability & Efficiency

Consolidation promotes spatial sustainability and efficiency by allowing the two erven to function as a single, well-organised property. The arrangement makes optimal use of existing urban land within an established mixed-use area, prevents urban sprawl, and leverages existing municipal infrastructure without additional burden. This aligns with SPLUMA's aim to use land and resources responsibly while supporting a long-term, sustainable urban fabric.

#### ❖ Spatial Resilience

By securing hospice's operations on a single, consolidated erf, the proposal contributes to spatial resilience. The property will be more adaptable to future needs, such as changes in healthcare demand or municipal service requirements, while maintaining compliance with the OMLUS. This resilience ensures that the site can continue to serve the community effectively in the face of social, economic, or environmental changes.

#### ❖ Good Administration

The application exemplifies good administration by following the proper statutory procedures set out in the By-law and SPLUMA. Consolidating the erven and removing obsolete and restrictive title deed conditions simplify land administration for both the municipality and the property owner. It ensures clear development rights and a single set of enforceable conditions, improving transparency, record-keeping, and regulatory compliance.

### Conclusion

- ❖ The application will not intensify land use or alter the established character of the surrounding mixed-use area. No adverse impacts are anticipated on engineering services, traffic, parking, sunlight, views, heritage resources, or the biophysical environment. On the contrary, the proposal strengthens socio-economic and community health benefits by safeguarding a self-funded, non-profit facility that provides free palliative care across the Overstrand region.
- ❖ Approval of the consolidation and the removal of restrictive conditions is therefore both reasonable and desirable. It reflects sound planning practice, aligns with the spatial principles of sustainability, efficiency, resilience, and good administration set out in SPLUMA, and supports the continued delivery of essential healthcare services to the wider community.

### 5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local Newspaper	Yes	16 October 2025	21 November 2025
Gazette	Yes	16 October 2025	21 November 2025
Notices <i>(persons mentioned in title deed)</i>	Yes	15 October 2025	21 November 2025
Internal departments	Yes	16 October 2025	21 November 2025
Ward councillor	Yes	16 October 2025	21 November 2025
Total comments	<b>ONE (1)</b>		
Total letters of support	<b>NONE</b>		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly?			<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?			<b>Yes</b>

## 6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments
Building Department	16/10/2025	No objection. All buildings to comply with the NBR and all other applicable law.
Fire Services	22/10/2025	No objection, subject to compliance with the provisions of SANS 10400-A, 10400-T2024 and the By-Lw relating to fire safety.
Services Report	24/10/2025	See Annexure E.
Telkom	20/10/2025	See Annexure F.
Environmental Management Services	21/10/2025	No objection.

## 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

The application was circulated to relevant internal departments, the ward councillor, all affected property owners mentioned in the title deed, advertised in the Provincial Gazette as well as the local newspaper (Village News). No objections were received however one comment was received from Plan Active Town & Regional Planners.

The comment was forwarded to the applicant for their response on the comment provided by Plan Active Town & Regional Planners. The comment and the applicant's response thereto are attached as Annexure G.

It must be noted that the comment submitted by Plan Active Town & Regional Planners seeks clarity on certain aspects of the application.

The comment, applicant's response to the comments made and the town planner's response thereto are summarised as follows:

-  **COMMENT 1:**  
***Applicability of the 2015 conditions of approval after consolidation.***

### APPLICANT'S RESPONSE

*"The 2015 approval for Erf 719 Hermanus, which permitted a shop, subservient to office use, remains relevant and has been fully considered as part of this application. Consolidation does not take away municipal conditions of approval, nor does it increase or alter the land-use rights currently applicable to the erven.*

*The intent of the 2015 approval remains unchanged:*

- *The retail component will continue to operate under Overstrand Hospice.*
- *The use will remain subservient to the primary administrative and operational functions of the Hospice.*
- *No change of ownership or intensification of land use is proposed.*

*Following consolidation, any conditions of approval that the Municipality deems appropriate may be transferred or referred to the new consolidated erf's approval documentation to ensure continuity and regulatory certainty. The consolidation therefore does not create any new rights nor diminish it the Municipality's ability to enforce existing restrictions."*

#### TOWN PLANNER'S RESPONSE

The property will remain subject to the conditions of the approval contained in the decision letter dated 16 November 2015 applicable to Erf 719 after consolidation as well as the conditions of approval contained in the decision letter dated 2 May 2023.

- ✚ COMMENT 2:  
***Land-use rights before and after consolidation.***

#### APPLICANT'S RESPONSE

*"The consolidation is administrative in nature. It does not create additional development rights beyond what is already permitted under Business Zone 3. The proposed uses remain fully aligned with the zoning scheme, namely:*

- *Hospice shop (existing);*
- *Hospice administrative offices; and*
- *Hospice storage space.*

*No intensification of use is proposed, and the building footprint has already been approved by the Municipality through the building plan approval process. The consolidation merely allows the Hospice to operate the properties more efficiently and ensures unobstructed internal movement between the erven."*

#### TOWN PLANNER'S RESPONSE

The response by the applicant is agreed with and provides sufficient explanation to the commentator. The land use rights applicable to the subject property being a hospice shop, administrative offices as well as storage space will remain, however the property will also remain subject to the conditions stipulated in the decision letter dated 2015 and 2023 as well as subject to the building plan approval.

- ✚ COMMENT 3:  
***Parking layout concerns (Direct access to Aberdeen Street).***

#### APPLICANT'S RESPONSE

*"The concerns regarding direct access parking onto Aberdeen Street have been noted. The parking configuration forms part of the approved building plan, which was assessed against the Municipality's engineering and safety standards prior to approval. This process included an evaluation of access, manoeuvring space, sight distances, and compliance with applicable standards.*

*The following clarifications apply:*

- *The use is low-intensity, primarily associated with administrative staff and occasional visitors, with no high-turnover parking demand.*

- *The parking bay dimensions comply with the OMLUS and SANS standards as demonstrated in the approved building plans. The dimensions were illustrated on the Architect's plans. Refer to Annexure C of the motivation*
- *The internal circulation allows adequate manoeuvring space given the scale and operational requirements of the Hospice.*
- *The Municipality's Engineering Department reviewed the layout after assessing operational safety and its relationship to the intersection. If they provide any comment, it will be addressed accordingly.*

*It is therefore confirmed that the parking arrangement complies with the standards applicable at the time of approval and aligns with the site's operational characteristics."*

#### TOWN PLANNER'S RESPONSE

The parking layout has already been approved and the parking that gains access from Aberdeen Street has been approved in the following building plans dated 1995, 2023, 2024, and both 2025 plans. However, the latest 2025 plan provides improved parking along Aberdeen Street by repositioning the parking located at the corner of the property (corner of Aberdeen Street and Magnolia Street) to the parking bays located along Aberdeen Street. The layout has been improved by clustering the parking further to the eastern portion of the property.

Furthermore, the comment regarding the parking is noted. However, the current application is only for the removal of restrictive title deed conditions and the subsequent consolidation of Erven 706 & 719 Hermanus (Westcliff).



#### COMMENT 4:

***Proximity to the uncontrolled intersection and sight-distance concerns.***

#### APPLICANT'S RESPONSE

*"The building plan approval process included consideration of the building's placement on the erf and its relations to the street boundaries. Visibility and sight distance were evaluated by the Municipality, which issued an approval confirming compliance. The existing wall is a Clearview fence that allows for more visibility.*

*It must be emphasised that the site is located in an established mixed-use urban environment. The development remains consistent with the prevailing character and does not diminish sight distances beyond what is typical and acceptable for this area.*

*Furthermore:*

- *The scale of activity generated by the Hospice is substantially lower than that associated with typical retail or higher-intensity business operations.*
- *Reversing movements and access operations are limited and controlled due to low traffic volume.*

*Accordingly, no material safety or operational risks are anticipated."*

#### TOWN PLANNER'S RESPONSE

The current parking layout is a continuation of the historical parking layout on the site. The parking layout has been improved to reposition one parking bay at the intersection of Magnolia Street and Aberdeen Street to the parking bays located on the eastern

portion of the property along Aberdeen Street. Please note that the developmental rights have previously been approved in the 2023 decision letter as well as the subsequent building plan approvals dated 2023, 2024 and both 2025 building plans.

The current application is only for the removal of restrictive title deed conditions and the subsequent consolidation of Erven 706 & 719 Hermanus (Westcliff).

 **COMMENT 5:**  
***Request for a traffic impact statement.***

APPLICANT'S RESPONSE

*"A traffic impact statement is not warranted for this application. The TIA thresholds apply to proposals that materially increase traffic volumes or introduce new activities that generate significant demand on the road network.*

*This application:*

- *Does not introduce new land uses.*
- *Does not intensify traffic volumes.*
- *Does not generate peak-hour traffic beyond existing levels.*
- *Serves a community-based, low-intensity use with predictable trip patterns.*

*The Municipality's approval of the building plans confirms that no additional traffic assessment was required. If the need does arise for further traffic interventions the owners will comply with the requirements set out."*

TOWN PLANNER'S RESPONSE

The comment is noted. However, the current application is only for the removal of restrictive title deed conditions and the subsequent consolidation of Erven 706 & 719 Hermanus (Westcliff). The parking layout as well as the developmental rights have already been approved in the 2023 decision letter as well as the subsequent building plan approvals dated 2023, 2024 and both 2025 building plans.

 **COMMENT 6:**  
***Future amendments, expansions and ownership changes.***

APPLICANT'S RESPONSE

*"Consolidation does not exempt the property from any future municipal approval requirements. Any future amendments, expansions, or change in ownership affecting land-use rights will remain subject to:*

- *The Overstrand Municipality Land Use Scheme;*
- *The Municipal Planning By-law; and*
- *Applicable building regulations.*

*The Municipality's scrutiny and approval authority remain fully intact."*

TOWN PLANNER'S RESPONSE

The response by the applicant is agreed with. Future amendments, expansions and ownership changes must comply with the relevant legislation and policies. The site is also subject to the same conditions stipulated in the 2015 decision letter and the 2023 decision letter.

COMMENT 7:

***Consistency with prior approvals and overall development.***

APPLICANT'S RESPONSE

*"The proposal aligns with prior municipal approvals and does not deviate from the original intention of the Hospice's use on the properties. The operation remains community-based, low-impact, and supportive of essential healthcare services. No increase in development intensity or changes to the neighbourhood character are proposed.*

*The consolidation improves administrative clarity, enhances functional efficiency, and ensures that title-deed restrictions do not inadvertently place the Hospice in conflict with lawful building lines and development parameters."*

TOWN PLANNER'S RESPONSE

The development is already approved as per the previous land use planning application and the subsequent decision letters for both properties (Erf 706 and Erf 719). However, the current application only proposes the consolidation of the two properties to function as one property improving the functionality and access between the properties.

CONCLUSION

The subject property is only to affect to the consolidation of the two properties to function as one property improving the functionality and access between the properties. The developmental rights regarding the uses and the parking of the property have already been approved by means of previous land use applications and their subsequent decision letters as well as building plan approvals.

Furthermore, the proposal does not introduce new elements but rather the improved functionality of the site. The proposal will remain subject to the conditions as per the previous land use planning decision letters for both properties and the subsequent building plan approvals.

**8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS**

As per Paragraph 7 above.

**9. MUNICIPAL ASSESSMENT OF COMMENTS**

As per Paragraph 7 above.

All relevant departments provided positive comments.

**10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)**

**10.1 Background**

N/A

**10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

The application can be motivated in terms of the principles in the following manner:

Spatial Justice

The subject property is a business site and will be used as per the relevant developmental rights that are applicable. The application for the removal of restrictive title deed conditions and the application for consolidation will perpetuate spatial injustices. The proposal is therefore in line with this principle.

Spatial sustainability

The proposal does not impact on the biophysical environment, and the application for the removal of restrictive title deed conditions and the application for consolidation will not negatively impact any sensitive or protected environmental aspects. The application is therefore in line with this principle.

Efficiency

The application proposes to consolidate the two properties to function as one property will enable the property owner to maximise the utilisation of the property and obtain improved functionality (between the two properties). This application is therefore in line with this principle.

Spatial Resilience

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

Good administration

The application process followed the required planning procedures, and a good public participation process has been followed.

**10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)**

Same as 10.2 above.

**10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies**

The subject property is located in the urban development within the urban edge of the SDF. The application for the removal of restrictive title deed conditions and the application for consolidation will improve the utilisation of the property since it is owned by the same property owner. The proposal does not deviate from the developmental rights applicable to the properties. The proposal is therefore in line with the SDF.

The property is situated within Planning Unit 13 (Central Hermanus) of the OMGMS. The application for the removal of restrictive title deed conditions and the application for consolidation is not restricted by the strategic spatial management of the area and is therefore in line with the OMGMS, 2020.

**10.5 (In)consistency with guidelines prepared by the Provincial Minister**

N/A

**10.6 Impact on Municipal engineering services**

The subject property is a serviced site, and the proposal has no negative impact on the existing services available to the site (refer to the Services Report by the Engineering Department, see attached Annexure E).

**10.7 Outcomes of investigations/applications i.t.o. other legislation**

The application does not trigger the provisions of NEMA or Section 38 of the National Heritage Resources Act.

**10.8 Existing and proposed zoning comparisons and considerations**

The land use rights applicable to the properties have already been acquired in decision letters dated 2015 (applicable to Erf 719) and the decision letter dated 2023 (applicable to Erf 706) as well as the subsequent building plan approvals. The application is therefore in line with the Overstrand Municipality Land Use Scheme.

**11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

The proposal to consolidate Erf 706 with Erf 719 Hermanus (Westcliff) is restricted by conditions contained within the title deed of the subject property. An application for the removal of restrictive title deed conditions has been submitted and is evaluated as follows:

**The restrictive conditions contained in T24118/2020, applicable to Erf 706 Hermanus, to be removed reads as follows:**

Clause B.(a):           *“That not more than half the area of this erf be built upon.”*

Clause B.(e):           *“That this erf be not subdivided except with consent in writing of the Administrator.”*

**The restrictive conditions contained in T.32176/2013, applicable to Erf 719 Hermanus, to be removed reads as follows:**

Clause C.(c):           *“That not more than half the area of this erf be built upon.”*

Clause C.(d):           *“That no building shall be erected within 4,72 metres of any street line which forms a boundary of this erf. No building shall be situated within 2,36 metres of the lateral boundary common to any adjoining erf.”*

Clause C.(e):        *“That this erf be not subdivided except with consent in writing of the Administrator.”*

**Evaluation:** The proposed removal will enable the property owner to exercise their primary land use rights in terms of the Overstrand Municipality Land Use Scheme, 2020.

The restrictive title deed conditions imposed on both properties are in line with Single Residential Zone 1 properties. The subject properties as well as the adjacent properties. The subject properties as well as numerous properties within the area have been rezoned throughout the years to Business Zone 3 which is in line with the future development of the area as contained in the SDF. The development parameters contained in the title deed is therefore more restrictive than the current zoning. Therefore, the application for the removal of restrictive title deed conditions is to bring the development parameters in line with the current zoning being Business Zone 3.

It is evident from reading the motivational report, that the property owner would like to further develop the subject site, however, the property will be restricted by the title deed conditions.

Furthermore, the subject property also contains a condition restricting the subdivision of the property. The motivational report proposes that in the event the properties are consolidated and if the consolidated property is then sold, should the new owner wish to subdivide the property, they will be able to submit an application for subdivision without applying for the removal of restrictive title deed conditions. It should be noted that if the “new” property owner would like to subdivide the consolidated property, it will still be a requirement to submit an application for subdivision to the municipality for consideration. However, an application for the removal of restrictive title deed conditions will not be required.

With the abovementioned stipulated, the removal of the aforementioned conditions contained in the title deeds T24118/2020 & T32176/2013 is considered favourable from a town planning perspective for the following reasons:

1. The character of the area has changed from the residential to business purposes.
2. The change in the character of the area is already evident in the zoning maps as well as being in line with the strategic spatial planning for the area.
3. The proposal for removal of restrictive title deed conditions will enable the property to be developed in line with the development parameters as contained in the Overstrand Land Use Scheme.
4. The site will still be subject to the submission of an application should the site not comply with the development rights permitted in the current zoning of the property.
5. The site will remain subject to the conditions of approval stipulated in the decision letters dated 2015 (applicable to Erf 719) and the decision letter dated 2023 (applicable to Erf 706) as well as the subsequent building plan approvals.

***The financial or other value of the rights***

No person or entity will be affected financially by the removal of these restrictive title deed conditions. There is no financial value to the holder of the rights (the municipality).

***The personal benefits which accrue to the holder of rights in terms of the restrictive condition***

There is no personal benefit for the holder of the rights as it only restricts the property owners through additional development parameters.

***The personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended***

If the condition is removed, this will enable the property owner to develop the site in line with the character of the area as well as the applicable development parameters as per the Overstrand Municipality Land Use Scheme.

***The social benefit of the restrictive condition remaining in place in its existing form and the social benefit of the removal, suspension or amendment of the restrictive condition***

If the restrictive condition remains in place, then the status quo will remain the same. The social benefit of removing the restrictive conditions is to enable the property owner to better utilise the property in terms of functionality and subsequently improve service delivery of the operational activity on site.

***Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights***

The removal of the conditions will not change the zoning of the property. The owner only intends to enjoy the primary land use rights applicable in terms of the Overstrand Municipality Land Use Scheme, 2020. The removal of the rights will therefore not negatively impact the rights of the property owners.

## **12. THE DESIRABILITY OF THE PROPOSAL**

The application for the removal of the restrictive conditions contained in the subject properties' title deeds as well as the application for consolidation is considered favourable for the following reasons.

The application submitted is to merely consolidate the properties to function as one property which will improve the functionality of the activities (hospice shop, hospice administration office and storage area) conducted on site.

The removal of the restrictive title deed condition relating to the subdivision is considered favourably since the property owner, should they choose, will still be required to submit an application for subdivision that will be evaluated on merit and return to its historical lawful layout.

The development of the area has changed in both physicality as well as in the future planning of the area. Therefore, the removal of the restrictive title deed conditions will enable the property to be developed and utilised in line with the applicable development rights as per the Overstrand Municipality Land Use Scheme.

Furthermore, the properties are owned by the same owner. Having multiple municipal accounts makes no sense if the purpose of the operation is to function as one property. The consolidation is therefore considered favourably.

The development on both erven have previously obtained the development rights by means of application processes. The consolidated property will remain subject to the conditions of approval listed in the decision letter dated 2015 (applicable to Erf 719) and the decision letter dated 2023 (applicable to Erf 706) as well as the subsequent building plan approvals.

Furthermore, the subject property is not located within the EMOZ or HPOZ. The subject property also has sufficient parking space available to accommodate the existing/approved uses. The access to the property will remain the same and the site already has existing services. It must also be noted that the development has already been approved, and the application is to merely consolidate the two properties to function as one property.

Furthermore, the comments received by Plan Active Town and Regional Planners is noted and have been adequately responded to.

The main concern relating to the development is the parking which has been approved by means of a previous building plan approval as well as being redesigned to reduce the impact on the corner of Aberdeen Street and Magnolia Street.

#### Conclusion

The proposal and the above evaluation thereof are considered desirable from a town planning perspective.

### 13. RECOMMENDATION

1. that the comment **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.(a) and B.(e) as contained in the title deed T24118/2020 applicable to Erf 706, Hermanus and the removal of restrictive title deed conditions C.(c), C.(d) and C.(e) as contained in the title deed T32176/2013 applicable to Erf 719, Hermanus, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to consolidate Erf 706, Hermanus (907m<sup>2</sup> in extent) with Erf 719, Hermanus (895m<sup>2</sup> in extent) to create a consolidated property of 1802m<sup>2</sup> in extent, **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 this approval is only for the consolidation of the two properties as indicated on consolidation plan number 25.58(001) dated 9 September 2025, as submitted with the application;
  - (b) that the storage component be subservient to the land use and that no retail be conducted from the property apart from the hospice shop;
  - (c) that the ownership of the retail concern be that of Hospice;

- (d) that the retail concern be subservient to the Hospice office use;
  - (e) that should the property change ownership; the retail concern falls away and only be used for office purposes;
  - (f) that no items be left outside of the property;
  - (g) that no accumulation of refuse may occur on the premises or outside the boundary of the property;
  - (h) that only one un-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;
  - (i) that a revised site development plan for the consolidated property must be submitted for approval by the Divisional Manager: Town & Spatial Planning Department;
  - (j) that building plans be submitted to the Municipality showing all building changes, partitioning and access throughout the property to the satisfaction of the Fire Department and Building Control Department;
  - (k) that the approval be limited to the building/structures as per site plan number 25.58(001) dated 9 September 2025, submitted with this application read in conjunction with conditions (h) and (i) above;
  - (l) that the amended title deed be submitted for record purposes to the Municipality;
  - (m) that commercial rates and service tariffs as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (n) that the Overstrand Municipality retains the right to enforce any relevant legislation, as well as law and order on the premises, on the landowner/s;
  - (o) that all the conditions in the Services Report (attached as Annexure G), must be complied with;
  - (p) that all other development parameters as prescribed in the relevant Zoning Scheme; and
  - (q) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
5. that the applicant and persons who commented be notified of their respective appeal rights in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above approvals.

#### **14. REASONS FOR RECOMMENDATION**

- ❖ The application has followed due procedure.
- ❖ The comments received during public participation relate to the existing land use rights, parking parameters and manoeuvrability of vehicles along Aberdeen

Street have already been approved by means of a building plan process. The current application only proposes the consolidation of the two properties.

- ❖ The properties have already acquired the relevant land use rights by means of planning approvals and building plan approvals.
- ❖ A revised site development plan must be submitted to indicate the consolidated land use rights on the consolidated property.
- ❖ The proposal is not out of character of the area since the proposal is simply to consolidate the two erven to form one consolidated property.
- ❖ Any future amendment to the property will still require the compliance with the Business Zone 3: Local Business zone land use rights and development parameters.
- ❖ The proposal is in line with the strategic planning policy documentation.
- ❖ Adequate parking has been provided.
- ❖ The removal of the restrictive title deed conditions will bring the property development rights and land use parameters in line with that of the Overstrand Municipality Land Use Scheme, 2020.
- ❖ It is supported by the Engineering Department.

## **15. ANNEXURES**

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Consolidation & Site Development Plans
Annexure D:	Title Deed T24118/2020 and Title Deed T32176/2013
Annexure E:	Comment received
Annexure F:	Applicant's response to comment
Annexure G:	Services Report

## **SIGNATURES**

### **AUTHOR:**

Name: **B MINNAAR**

SACPLAN Reg No: **C/8630/2021**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### **REGISTERED PLANNER**

Name: **H VAN DER STOEP**

SACPLAN Reg No: **A/1708/2013**

Signature: \_\_\_\_\_

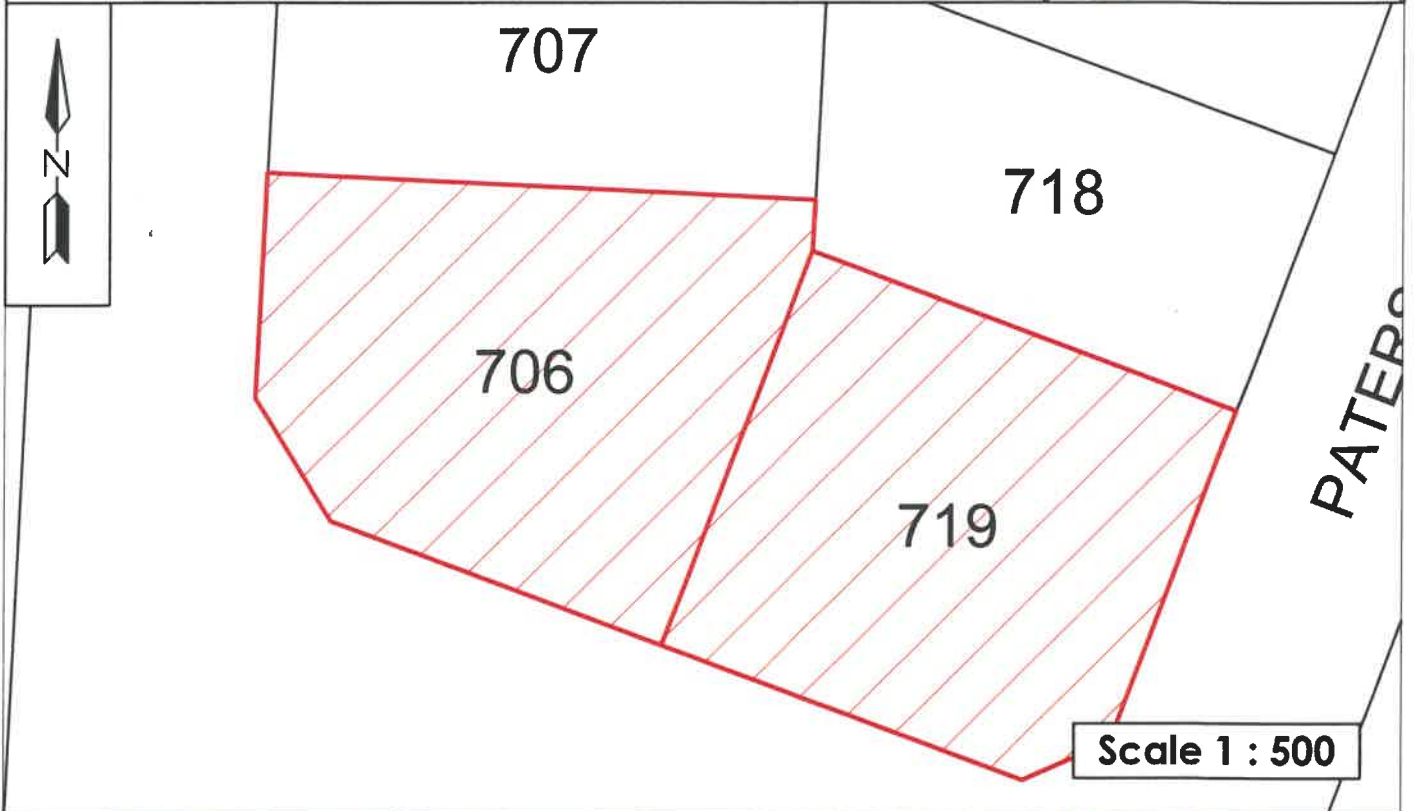
Date: \_\_\_\_\_

**Plan 1: Locality Plan**  
Erven 706 & 719 Hermanus

Plan prepared by: Thian Jansen  
Tel: 028 313 1411  
Email: admin@wrapgroup.co.za  
Office 3, Oakwood, 10 Dirkie Uys Street, Hermanus, 7200



**Project Office**  
Town Planning & Project Management





## MOTIVATION

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**1. ABBREVIATIONS**


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Table 1

<b>OM</b>	Overstrand Municipality
<b>OMLUS</b>	Overstrand Municipality Land Use Scheme, 2020
<b>BY-LAW</b>	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
<b>PSDF</b>	Western Cape Provincial Spatial Development Framework, 2014
<b>LUPA</b>	Western Cape Land Use Planning Act, 2014.
<b>OMSDF</b>	Overstrand Municipality Spatial Development Framework, 2020

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**2. PROPERTY DETAILS**


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Table 2

<b>Property descriptions</b>	Erf 706 Hermanus	Erf 719 Hermanus
<b>Street address</b>	1 Aberdeen Street	3 Aberdeen Street
<b>Extent</b>	907m <sup>2</sup>	895m <sup>2</sup>
<b>Zoning</b>	Business Zone 3: Local Business (B3)	

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**3. BACKGROUND AND INTENT**


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Erven 706 and 719, Hermanus (hereafter referred to as the subject properties), are located in Aberdeen Street, as depicted in **Plan 1 – Locality Plan**. The owners have appointed WRAP Project Office to submit a land use application on their behalf (refer to **Annexure A – Power of Attorney**). Both properties have been owned by Overstrand Hospice for several years. Erf 719 Hermanus is developed with a structure operating as a shop, in line with the current zoning and historic approval.

Erf 706 Hermanus was acquired more recently, in 2020, and has undergone several changes since then. A storage area was added in 2024/2025, and the remainder of the existing structure was demolished in mid-2025 to make way for a new building that will optimise the available space on the property and will be used as offices.

Overstrand Hospice has been operational since 2007 and is a community-based, self-funding non-profit organisation serving the entire Overstrand Sub-district from Pearly Beach to Rooi Els. Its services are provided free of charge to patients and their families and are sustained solely through the generosity of donors and supporters, together with income from the on-site shop and fundraising initiatives.

The owners now intend to consolidate the two properties to enable more efficient operation and to ensure unobstructed movement between them. Several restrictive conditions currently registered in the respective title deeds would be transferred to the title deed of the consolidated property. It is therefore proposed that these restrictive conditions be removed to ensure that the operation and existing structures remain fully compliant with the applicable By-law.



## MOTIVATION

The specific applications are:

- **Removal** of the restrictive title deed conditions; and
- **Consolidation** of Erven 706 and 719, Hermanus.

#### 4. PROCEDURE TO ACHIEVE THE DEVELOPERS' INTENT

WRAP compiled this report to ensure the owners' vision is achieved and therefore, the following is proposed:

##### 4.1 Removal of the restrictive title deed conditions

As discussed above, the intention is to consolidate these two properties. Once consolidated, the title deed conditions from both erven will be transferred to the title deed of the consolidated erf. The Title deed of Erf 719 Hermanus contains a condition that would impose more restrictive building lines on the structures currently being constructed on Erf 706 Hermanus, effectively placing the new structures in conflict with the title deed conditions, which would not be permissible.

Both title deeds also contain a restriction preventing the consolidated erf from being subdivided in the future, even though they were originally two separate erven. It is therefore proposed that this condition be removed. The rationale for the removal of these conditions is provided in Tables 3 & 4:

Table 3

<b>Erf 706, Hermanus T24118/2020</b>	
1.	<p><i>"B. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer Number T9117/1937 imposed by the Administrator of the Cape Province with the approval of Hermanus Township Extension No. 3 and in favour of the registered owner of any erf in the township, subject to changes and amendments by the Administrator in terms of the provisions of Section 18(3) of Ordinance No. 33 of 1934:"</i></p> <p>Proposed sub-conditions to be removed under Condition B:</p> <ul style="list-style-type: none"> <li>• <i>"(a) That not more than half the area of this erf be built upon."</i></li> <li>• <i>"In favour of the Administrator:</i></li> </ul> <p><i>(e) That this erf be not subdivided except with the consent in writing of the Administrator."</i></p>



## MOTIVATION

Table 4

<b>Erf 719, Hermanus T32176/2013</b>	
	<i>"C. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No. T9574/1927 imposed by the Administrator of the Cape Province when approving of Hermanus Township Extension No 3 as being in favour of the registered owner of any erf in the Township and subject to amendment or alteration by the Administrator in terms of the conditions of Section 18(3) of Ordinance No. 33 of 1934, namely:"</i>
	Proposed sub-conditions to be removed under Condition C:
<b>2.</b>	<ul style="list-style-type: none"> <li>• <i>"(c) That not more than half the area of this erf be built upon."</i></li> <li>• <i>"(d) That no building shall be erected within 4,72 metre of any street line which forms a boundary of this erf. No building shall be situated within 2,35 metres of the lateral boundary common to any adjoining erf."</i></li> <li>• <i>"AS BEING In favour of the Administrator:</i>  <i>(e) That this erf be not subdivided except with the consent in writing of the Administrator."</i></li> </ul>

The rationale for the removal of the restrictive title deed conditions is to enable the owners to achieve their intent to consolidate the properties and not impose restrictive title deed conditions as highlighted in Section 3 of this report. The reasoning and motivation for the removal of these restrictive sub-conditions within the title deeds are discussed in detail in **Table 5, 6 and 7**.

Table 5

<b>1. Motivation for the removal of conditions B.(a) &amp; C.(c)</b>
<b>T24118/2020</b> <b>Condition B.(a): "That not more than half the area of this erf be built upon."</b>
<b>T32176/2013</b> <b>Condition C.(c): "That not more than half the area of this erf be built upon."</b>
<b>The rationale for the proposed removal</b>
<p>The subject properties are currently zoned as Business Zone 3, which aligns with their intended and existing use. The aforementioned title deed conditions, however, are more restrictive than what is permissible under the zoning. As a result, the owners may in the future be restricted without the removal of these conditions.</p>
<b>Title deed condition background</b>
<p>The restrictive title deed condition was originally intended to protect the residential character of the area. The character of the area has changed, with development now accommodating mixed-use and business-related activities. Any amendment or removal of these conditions requires the consent of the Administrator, a function that now vests with the Overstrand Municipality.</p>



## MOTIVATION

<b>Status quo</b>
The current Overstrand Municipality Land Use Scheme (OMLUS) provides clear development guidelines to ensure that properties throughout the Overstrand area are managed consistently. The aforementioned title deed conditions are more restrictive than the development parameters set out in the OMLUS. Under the OMLUS for Business Zone 3, may be developed with up to 75% coverage.

Table 6

<b>2. Motivation for the removal of conditions B.(e) &amp; C(e)</b>
<p><b>T24118/2020</b>  <b>Condition B.(e): "In favour of the Administrator:</b></p> <p style="text-align: center;"><i>That this erf be not subdivided except with the consent in writing of the Administrator."</i></p> <p><b>T32176/2013</b>  <b>Condition C.(e): "AS BEING In favour of the Administrator:</b></p> <p style="text-align: center;"><i>That this erf be not subdivided except with the consent in writing of the Administrator."</i></p>
<b>The rationale for the proposed removal</b>
The subject properties are proposed to be consolidated. The restrictive title deed conditions mentioned above would prevent the current or future owners from subdividing the property back into two separate erven.
<b>Title deed condition background</b>
The restrictive title deed condition was originally intended to protect the character of the area by preventing the creation of smaller erven. As the subject properties are proposed to be consolidated, any future subdivision would most likely follow the current erf boundaries.

Table 7

<b>3. Motivation for the removal of conditions C.(d)</b>
<p><b>T32176/2013</b>  <b>Condition C.(d):</b>      <i>"That no building shall be erected within 4,72 metre of any street line which forms a boundary of this erf. No building shall be situated within 2,35 metres of the lateral boundary common to any adjoining erf."</i></p>
<b>The rationale for the proposed removal</b>
The subject properties are currently zoned as Business Zone 3, which aligns with their intended and existing use. The aforementioned title deed conditions are more restrictive than the building lines permitted under the zoning. As a result, the owners would be in contravention of the title deed condition, as the structure currently being erected on Erf 706 Hermanus will be closer to the boundary than allowed, unless this condition is removed.
<b>Title deed condition background</b>
The restrictive title deed condition was originally intended to protect the residential character of the area. The character of the area has changed, with development now



## MOTIVATION

accommodating mixed-use and business-related activities. Any amendment or removal of these conditions requires the consent of the Administrator, a function that now vests with the Overstrand Municipality.

### Status quo

The current Overstrand Municipality Land Use Scheme (OMLUS) provides clear development guidelines to ensure that properties throughout the Overstrand area are managed consistently. The aforementioned title deed conditions are more restrictive than the development parameters set out in the OMLUS. Under the OMLUS, a business property may be developed up to 0m from the side and street building lines.

In terms of the requirements of LUPA, **Table 8** below addresses the removal of the restrictive title deed conditions in terms of Section 39(5)(a-f):

Table 8

LUPA, Section 39(5) (a-f)		
(a)	<i>the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;</i>	No person or entity will be affected financially by the removal of these restrictive title deed conditions.
(b)	<i>the personal benefits which accrue to the holder of rights in terms of the restrictive condition;</i>	No person is personally benefitting from these conditions as it is only restricting the owners and the development parameters of the erven.
(c)	<i>the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended;</i>	The owners will be gaining from the removal of the restrictive conditions as it will allow them to consolidate these properties without restricting future development.
(d)	<i>the social benefit of the restrictive condition remaining in place in its existing form;</i>	The restrictive conditions do not provide social benefits.
(e)	<i>the social benefit of the removal, suspension or amendment of the restrictive condition; and</i>	
(f)	<i>whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.</i>	There is no specific beneficiary of these conditions, and no person or entity will be affected if this is removed.

In summary, removal of these restrictive title deed conditions proves to be beneficial to the owners of the subject property. Its removal also does not detract from what is allowed within the OMLUS.



## MOTIVATION

### 4.2 Consolidation of Erven 706 & Erf 719 Hermanus;

Refer to *Table 9* for information on the extent of the proposed consolidated property.

**Table 9: Proposed Consolidation extent**

Status Quo		
1	Erf 706, Hermanus	907 m <sup>2</sup>
2	Erf 719, Hermanus	895 m <sup>2</sup>
Proposed Consolidation		
Consolidated Property		1802 m <sup>2</sup>

As seen in the table above, the proposed consolidation aims to combine the two properties into one property. This strategic consolidation allows the property owners to maximize the extent and development potential of the subject property.

The consolidation of Erven 706 and 719 Hermanus will provide several significant benefits, both operationally and in terms of compliance with municipal planning regulations. Operating the properties as a single consolidated erf will allow for more efficient management, ensuring that movement between the properties is unobstructed and that services and access for staff, patients, and visitors are optimised.

It will also enable the existing and proposed structures to be better coordinated, making full use of the available space while maintaining compliance with zoning and development parameters. From an administrative perspective, consolidation will simplify land management by reducing the complexity associated with maintaining separate title deeds, particularly in relation to the restrictive conditions currently registered on both erven.

Furthermore, the consolidation aligns with the objectives of the OMLUS by enabling a coherent and orderly use of the properties in a manner that supports the operational needs of Overstrand Hospice. Ultimately, the consolidation will strengthen the property's functionality, ensure long-term sustainability of hospice's operations, and continue to provide seamless services to the local community.

The current operations on the properties are not proposed to change. The Hospice shop will continue to operate as it currently does, while the new structure being constructed on Erf 706 Hermanus will be utilised for storage and offices to support the staff of Overstrand Hospice.

## 5. LAND USE ENVIRONMENT

The subject property is located in Northcliff, a mixed-use area with businesses, residences and authority use in the surrounding area. The surrounding area's zonings are illustrated in **Plan 2 - Zoning Plan**.

## 6. TITLE DEED

Title deeds T32176/2013 and T24118/2020 (refer to Annexure B) were reviewed and do contain restrictive title deed conditions, and certain sub-conditions are proposed for removal, as motivated above in Section 4.1.



## MOTIVATION

## 7. ZONING

**Table 10** below outlines the zoning parameters that were assessed in conjunction with the B3 OMLUS zoning as this is a relevant consideration in terms of Section 66(1)(q) of the OM By-Law:

Table 10

<b>BUSINESS ZONE 3: LOCAL BUSINESS</b>			
	<b>Parameters</b>	<b>Proposal</b>	<b>Comply/ deviate</b>
<b>Primary use</b>	<b>Shops</b> , Dwelling Unit (above ground floor) in accordance with 6.3.2, Flats (above ground floor), <b>Offices</b> , Restaurant, Caretaker's Accommodation and Self-Catering.	<u>Existing:</u> Shop and Offices (currently under construction)	Comply
<b>Consent use that may be applied for</b>	Bottle Store, Business Premises, Clinic, Conference Facility, Dwelling Unit (on ground floor) in accordance with 6.3.2, Flats (On Ground Floor), Town Housing in accordance with 6.3.2, Tourist Accommodation, Hotel, Institution, Place of Assembly, Place of Entertainment, Place of Instruction, Place of Worship, Recreational Facilities, Residential Building, Sale of Alcoholic Beverages, Service Station, Service Trade and Transmission Apparatus (subject to the provisions of chapter 16.10).	N/A	N/A
<b>Development parameters</b>			
<b>Coverage</b>	The maximum coverage for all buildings on the land unit is <b>75%</b> .	<u>Consolidated erf extent:</u> 1802m <sup>2</sup>  <u>Total Combined Coverage:</u> $\pm 694,94\text{m}^2 / 1802\text{m}^2 = \pm 38,56\%$	Comply
<b>Building lines</b>	i. The street building line is 0 m, provided that a 5,0 m building line applies where fuel pumps are erected; ii. The side building line is 0 m, provided that where any Business Zone 3 abuts another zone, the side building line is 3,0m; iii. The rear building line is 3,0 m, provided that where any Business Zone 3 abuts	i. No fuel pumps are proposed. ii. Comply iii. Comply iv. Noted	Comply



## MOTIVATION

	another zone, the rear building line is 3,0m; and iv. Provided that the Municipality may require more restrictive building lines in the interests of public health or safety or the environment or in order to enforce any applicable law or right.		
<b>Height</b>	i. The maximum height of a building, measured from the base level to the top of the structure, is 8,5 m. ii. The maximum number of storeys is 2.	i. Comply ii. 2 Storey	Comply
<b>Window and door placement</b>	Where a 0 m building line applies and where a wall of a building is erected 1,0 m or less from the side or rear building line, no door or window shall be permitted in the wall concerned. Any portion of the building which contains a door or window onto a side or rear boundary shall be at least 1,5 m away from such boundary.	Noted.	Comply
<b>Parking and access</b>	According to Section 17.1 of the OMLUS:  <u>Office/shops:</u> Four bays per 100m <sup>2</sup> GLA are required.	<u>Office/shops:</u> Office – ±399,24m <sup>2</sup> GLA 16 parking bays required  Shop – ±225m <sup>2</sup> GLA 9 parking bays required  25 Parking bays required <b>25 Parking bays provided</b>	Comply
<b>Loading Bays</b>	The minimum off-street loading must be provided to the satisfaction of the Engineering Department.	Noted.	Comply

## 8. SERVICES

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith discussed:

### 8.1 Electricity, Water and Solid Waste

The subject property is connected to the existing networks in the area, which include electricity, water and sewage. The proposal of this application is not anticipated to impact on existing services. Solid waste is collected every week by the OM.



## MOTIVATION

### 8.2 Access, egress, and parking

Access and egress to the property is gained from Aberdeen & Paterson Street.

## 9. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66(1)(c) of the OM By-Law is outlined in **Table 11** below:

Table 11

Socio-economic impact	The proposed consolidation and removal of restrictive title-deed conditions will have a positive socio-economic effect. Overstrand Hospice provides essential palliative care and support services to the wider Overstrand community free of charge. Formalising the properties as a single erf secures the long-term operation of hospice, safeguarding employment for staff and sustaining a vital local health service. No negative economic impacts are anticipated, as no new commercial activity beyond the existing hospice shop and administrative functions is proposed.
Compatibility with surrounding uses	The properties are located in Northcliff, a mixed-use area that includes businesses, residences, and institutional uses. The existing hospice shop and the new administrative and storage building are consistent with the Business Zone 3 zoning and compatible with neighbouring land uses. The proposal will not introduce intrusive activities or intensify land use beyond what is typical for the area.
Impact on the external engineering services	The consolidation does not increase demand on municipal engineering services. Water, sewer, electricity, and refuse services are already in place and sufficient to accommodate the existing and proposed structures. No upgrades to bulk infrastructure are required.
Impact on safety, health and wellbeing of the surrounding community	Hospice provides care that directly supports community health and well-being. The consolidation and removal of restrictive conditions will not generate noise, pollution, or other nuisances. The continued presence of a well-managed, community-oriented facility enhances local safety and contributes to social welfare.
Impact on heritage	The property is not listed in the OM Heritage Register.
Impact on the biophysical environment	The subject properties are fully developed urban erven with no sensitive environmental features. Consolidation and the minor building works will have no impact on biodiversity, watercourses, or other natural resources.
Traffic impacts, parking, access and other transport related considerations	The consolidation will not increase traffic volumes. Hospice's operations remain unchanged, and staff, visitor, and delivery movements will remain at existing levels. Sufficient on-site parking is provided in accordance with the OMLUS. Existing access points from Aberdeen Street are retained, ensuring safe ingress and egress without adverse effect on the surrounding road network.



## MOTIVATION

### **Impact on views, sunlight and character of the area**

The consolidation and associated building work will not adversely affect surrounding views or sunlight access. The new structure on Erf 706 Hermanus complies with the height and coverage parameters of the Overstrand Municipality Land Use Scheme, ensuring that neighbouring properties retain their existing outlook and natural light. The architectural style and scale of the proposed development are consistent with the surrounding mixed-use environment, maintaining the established character of the area while supporting the continued community function of Overstrand Hospice.

### **Economic impact**

The consolidation and removal of restrictive title deed conditions will have a positive economic impact by strengthening the long-term viability of Overstrand Hospice. Hospice provides stable employment for staff, supports local suppliers, and attracts visitors to the on-site shop, generating ongoing economic activity in the area. As the proposal does not introduce any additional land uses or increase the intensity of development, no negative economic impacts are anticipated for surrounding businesses or residential properties.

## **10. POLICIES AND REGULATIONS**

### **10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)**

The subject properties are not located within the EMOZ.

### **10.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)**

Erf 719 Hermanus, is located within the Hermanus Historic Core HPOZ. The proposed consolidation and removal of restrictive title deed conditions are not expected to have an impact on the HPOZ.

### **10.3 Spatial Planning Policies**

This proposal is not in conflict with any provisions of the Western Cape Provincial Spatial Development Framework, 2014 or the Overstrand Spatial Development Framework, 2020.

## **11. PLANNING PRINCIPLES**

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

### **Spatial justice**

The application supports spatial justice by enabling Overstrand Hospice, a community-based, non-profit healthcare provider, to continue offering free palliative care to residents across the Overstrand area. By removing outdated restrictions and consolidating the properties, the proposal ensures that valuable community health services remain accessible to all income groups and demographics, aligning with SPLUMA's objective of redressing past imbalances and providing equitable access to social facilities.

### **Spatial sustainability and Efficiency**

Consolidation promotes spatial sustainability and efficiency by allowing the two erven to function as a single, well-organised property. The arrangement makes optimal use of existing urban land within an established mixed-use area, prevents urban sprawl, and leverages existing municipal infrastructure without additional burden. This aligns with SPLUMA's aim to use land and resources responsibly while supporting a long-term, sustainable urban fabric.



## MOTIVATION

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### **Spatial resilience**

By securing hospice's operations on a single, consolidated erf, the proposal contributes to spatial resilience. The property will be more adaptable to future needs, such as changes in healthcare demand or municipal service requirements, while maintaining compliance with the OMLUS. This resilience ensures that the site can continue to serve the community effectively in the face of social, economic, or environmental changes.

### **Good administration**

The application exemplifies good administration by following the proper statutory procedures set out in the By-law and SPLUMA. Consolidating the erven and removing obsolete and restrictive title deed conditions simplify land administration for both the municipality and the property owner. It ensures clear development rights and a single set of enforceable conditions, improving transparency, record-keeping, and regulatory compliance.

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## **12. CONCLUSION**

The proposed consolidation of Erven 706 and 719 Hermanus, together with the removal of outdated restrictive title deed conditions, will secure the long-term operation of Overstrand Hospice and ensure that the property remains compliant with the OMLUS and the principles of SPLUMA. The proposal enables Hospice to manage the site as a single, efficient unit, allowing unobstructed movement between the erven and the optimal use of existing space for the hospice shop, storage, and administrative offices.

The application will not intensify land use or alter the established character of the surrounding mixed-use area. No adverse impacts are anticipated on engineering services, traffic, parking, sunlight, views, heritage resources, or the biophysical environment. On the contrary, the proposal strengthens socio-economic and community health benefits by safeguarding a self-funded, non-profit facility that provides free palliative care across the Overstrand region.

Approval of the consolidation and the removal of restrictive conditions is therefore both reasonable and desirable. It reflects sound planning practice, aligns with the spatial principles of sustainability, efficiency, resilience, and good administration set out in SPLUMA, and supports the continued delivery of essential healthcare services to the wider community.

**RECOMMENDATION**

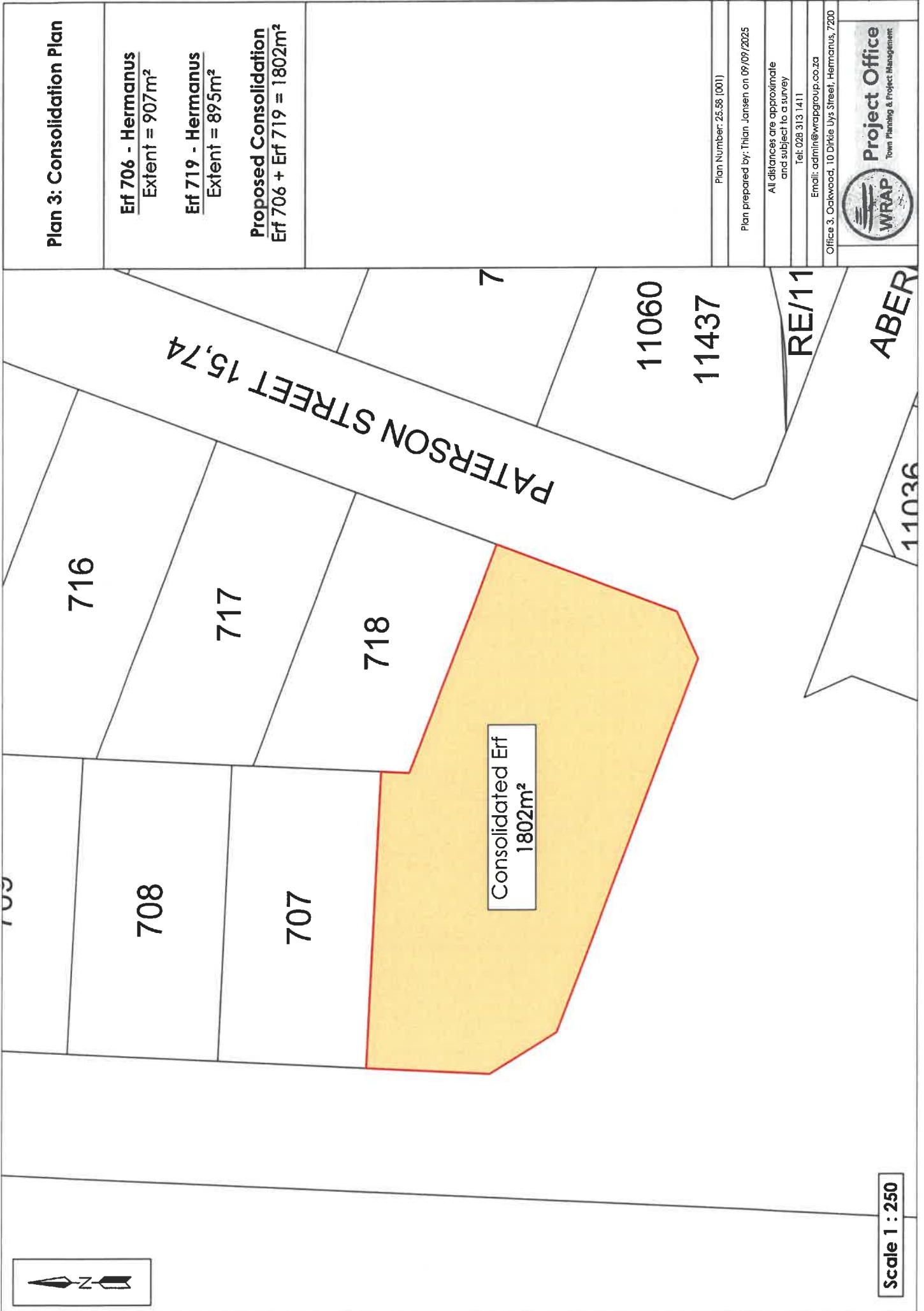
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**13. RECOMMENDATION**

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Based on the motivation, it is recommended that the following be approved:

- 13.1 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 of conditions B.(a) and B.(e) as contained in Title Deed T24118/2020 of Erf 706, Hermanus.
- 13.2 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 of conditions C.(c), C.(d), and C.(e) as contained in Title Deed T32176/2013 of Erf 719, Hermanus.
- 13.3 Consolidation of Erf 706, Hermanus and Erf 719, Hermanus** in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



**Plan 3: Consolidation Plan**

Erf 706 - Hermanus  
Extent = 907m<sup>2</sup>

Erf 719 - Hermanus  
Extent = 895m<sup>2</sup>

Proposed Consolidation  
Erf 706 + Erf 719 = 1802m<sup>2</sup>

Plan Number: 25.88 (001)

Plan prepared by: Thian Jansen on 09/09/2025

All distances are approximate  
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Office 3, Oakwood, 10 Dikkie Lys Street, Hermanus, 7200



**Project Office**  
Town Planning & Project Management

Scale 1 : 250

**Plan 4: Site Plan**  
Consolidated Erf

Plan Number: 25.58 (001)

Plan prepared by: Thian Jansen on 09/09/2025  
Based on plans by Design A1eJee

All distances are approximate  
and subject to a survey

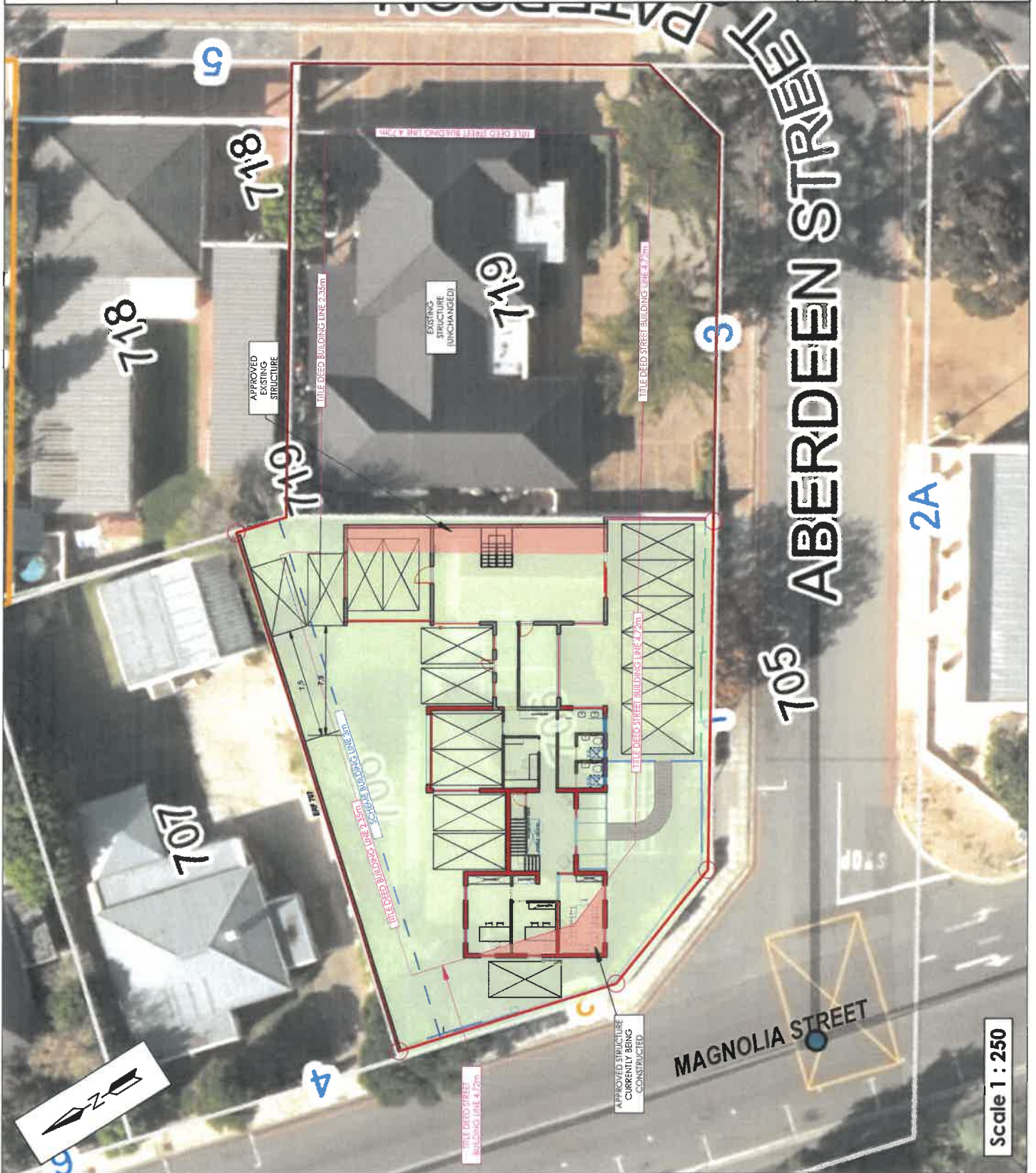
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Office 3, Oakwood, 10 Dikhe Uys Street, Hermanus, 7200



**Project Office**  
Town Planning & Project Management



Scale 1 : 250

1082

Prepared by me

CONVEYANCER  
JANINE FOUCHE

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 3 800 000,00	R. 1691,00
Reason for exemption	Category Exemption	Exemption i t o. Sec/Reg. Act/Proc.

DATA / CAPTURE  
01-10-2020  
WENDY FANTI

T 000024118 / 2020

### DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

**JANINE FOUCHE**

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

**DANIE VAN NIEKERK**  
**Identity Number 431014 5017 082**  
**Married out of community of property**

which said Power of Attorney was signed at HERMANUS on 29 JULY 2020

*[Handwritten signature]*

5

And the appearer declared that his/her said principal had, on 24 July 2020, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**OVERSTRAND HOSPICE NPC**  
**Registration Number 2005/040864/08**

or its Successors in Title or assigns, in full and free property

ERF 706 HERMANUS  
 IN THE OVERSTRAND MUNICIPALITY  
 DIVISION CALEDON  
 PROVINCE WESTERN CAPE

IN EXTENT 907 (NINE HUNDRED AND SEVEN) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T9117/1937 with Diagram No. 2810/1937 relating thereto and held by Deed of Transfer Number T54443/1993

A. SUBJECT to the conditions contained in Deed of Grant dated 5 August 1922 (Caledon Quitrents Volume 3 No. 8) awarded in terms of Section 10 of Act No. 15 of 1887, clause 4, reading as follows:

3. ....

4. That the land hereby granted shall be subject to all rights and servitudes which now affect or at any time hereafter may be found to affect, the title of the land hereby granted, or which may be binding on the Government in respect of the said land as at the date hereof.

B. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer Number T9117/1937 imposed by the Administrator of the Cape Province with the approval of Hermanus Township Extension No. 3 and in favour of the registered owner of any erf in the township, subject to changes and amendments by the Administrator in terms of the provisions of Section 18(3) of Ordinance No. 33 of 1934:

(a) That not more than half the area of this erf be built upon.

(b) That no building shall be erected within 4,72 metres of any street line which forms a boundary of this erf. No building shall be situated within 2,36 metres of the lateral boundary common to any adjoining erf.

In favour of the Administrator:

- (e) That this erf be not subdivided except with the consent in writing of the Administrator.

In favour of the Municipality:

- (f) That the owner of this erf shall be obliged to allow the drainage and sewerage of any other erf or erven to be conveyed over this erf if deemed necessary by the Municipality and in such manner and position as may from time to time be reasonably required by the Municipality.

WHEREFORE the said Appearer, renouncing all rights and title which the said

**DANIE VAN NIEKERK, Married as aforesaid**

heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

**OVERSTRAND HOSPICE NPC  
Registration Number 2005/040864/08**


or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R3 800 000,00 (THREE MILLION EIGHT HUNDRED THOUSAND RAND) .

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.


THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on

08 SEP 2020

2020

  
\_\_\_\_\_ q.q.

In my presence


  
\_\_\_\_\_ REGISTRAR OF DEEDS

**T 24118/2020**

**ENDOSSEMENT IN TERME VAN ARTIKEL 36(2) VAN DIE OVERSTRAND  
MUNISIPALITEIT SE VERORDENING OP MUNISIPALE  
GRONDGEBRUIKBEPLANNING  
ENDORSEMENT IN TERMS OF SECTION 36(2) OF THE OVERSTRAND  
MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING**

Voorwaardes ..... hierin is  
Conditions ..... **B. (b)** ..... herein are  
*gewysig / opgeskort / opgehef* kragtens Kennisgewing Nr.  
*altered / suspended / removed* in terms of Notice No. **23325**  
gedateer ..... in Provinsiale Koerant Nr  
dated ..... **9/06/2023** ..... in Provincial Gazette No. .... **8767** .....  
onderworpe aan voorwaardes daarin gemeld  
subject to conditions mentioned therein

Aktekantoor, Kaapstad  
Deeds Registry, Cape Town  
Datum .....  
Dated ..... **24 JUL 2023** .....

  
Registrateur van Aktes  
Registrar of Deeds

147

Butler Blanckenberg Nielsen Safodien  
Tannery Park 21  
Belmont Road  
Rondebosch  
7700

Prepared by me

CONVEYANCER  
Pieter Johan Blanckenberg

Fec endorsement		Office fee
Amount		
Purchase price/Value	R. 2 250 000,00	R. 11000,00
Mortgage capital Amount	R. ....	R. ....
Reason for exemption:	Exempt i.t.o	
	Cat. ....	section. .... Act. ....

T000032176 / 2013

### DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

**Farahnaaz Safodien**

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at RONDEBOSCH on 10 MAY 2013 granted to him by

**COFFRAL-COFFRALU-KRINGS PROPRIETARY LIMITED**  
Registration Number 1999/024412/07

DATA / CAPTURE  
11 JUL 2013  
LEEUWD

DATA / VERIFY  
15 JUL 2013  
VAN WYK JENNY

And the appearer declared that his said principal had, on 4 December 2012, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**OVERSTRAND HOSPICE NPC  
Registration Number 2005/040864/08**

or its Successors in Title or assigns, in full and free property

**ERF 719 HERMANUS  
IN THE OVERSTRAND MUNICIPALITY  
DIVISION CALEDON, WESTERN CAPE PROVINCE**

IN EXTENT 895 (EIGHT HUNDRED AND NINETY FIVE) Square Metres

FIRST TRANSFERRED by Deed of Transfer Number T9574/1937 with Diagram attached thereto and held by Deed of Transfer Number T047244/2002

- A. SUBJECT to the following conditions referred to in Certificate of Registered Title No. T4102/1937.
- B. SUBJECT FURTHER to the following conditions mentioned in Deed of Grant dated 5 August 1922 (Caledon Freeholds Volume 3 No 8) issued in terms of Section 10 of Act 15 of 1887 to the Council of the Municipality of Hermanus and repeated in Certificate of Registered Title No. T4102/1937, namely:

3. ....

4. That the land hereby granted shall be subject to all rights and servitude which now affect, or any time hereafter may be found to affect, the title of the land hereby granted, or which may be binding on the Government in respect of the said land as at date hereof.

Not subject to Condition B3 on page 2 of Deed of Transfer No. T47244/2002 by virtue of Section 53 of the Mining Titles Registration Amendment Act 24 of 2003

- C. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No. T9574/1927 imposed by the Administrator of the Cape Province when approving of Hermanus Township Extension No 3 as being in favour of the registered owner of any erf in the Township and subject to amendment or alteration by the Administrator in terms of the conditions of Section 18(3) of Ordinance No. 33 of 1934, namely:

"(a) .....

(b) .....

(c) That not more than half the area of this erf be built upon.

(d) That no building shall be erected within 4,72 metre of any street line which forms a boundary of this erf. No building shall be situated within 2,35 metres of the lateral boundary common to any adjoining erf."

7

**AS BEING in favour of the Administrator:**

- "(e) That this erf be not subdivided except with the consent in writing of the Administrator."

**AS BEING in favour of the Municipality:**

- "(f) That the owner of this erf shall be obliged to allow the drainage and sewerage of any other erf or erven to be conveyed over this erf if deemed necessary by the Municipality and in such manner and in such position as may from time to time be reasonably required by the Municipality."

WHEREFORE the said Appearer, renouncing all right and title which the said

**COFFRAL-COFFRALU-KRINGS PROPRIETARY LIMITED**  
**Registration Number 1999/024412/07**

heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

**OVERSTRAND HOSPICE NPC**  
**Registration Number 2005/040864/08**

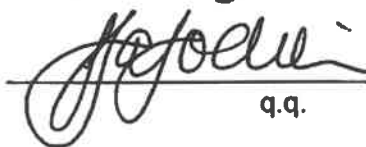
or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R2 250 000,00 (TWO MILLION TWO HUNDRED AND FIFTY THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.


THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at Cape Town on

8 July

2013

  
\_\_\_\_\_  
q.q.

In my presence

  
\_\_\_\_\_  
REGISTRAR OF DEEDS



TOWN & REGIONAL PLANNERS  
STADS-EN STREEKSBEPLANNERS

6 Magnolia St / Str  
PO Box / Posbus 296  
HERMANUS  
7200  
Tel: (028) 313 1673  
Email:  
planactive@hermanus.co.za  
Website:  
www.planactive.co.za

20 November 2025

THE MUNICIPAL MANAGER  
OVERSTRAND MUNICIPALITY  
P O BOX 20  
HERMANUS  
7200

TP - A Theart  
(H Olivier)

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
01 DEC 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Sir

**COMMENTS ON APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSOLIDATION — ERVEN 706 & 719, NORTHCLIFF, HERMANUS (NOTICE 205/2025)**

We acknowledge receipt of the above notice and submit the following comments as an interested and potentially affected party.

It is noted that the building plan for the proposed development has already been approved and that construction is at an advanced stage and therefore it would be superfluous to submit any objections.



**Building under construction at the corner of Aberdeen and Magnolia Streets. The structure occupies the corner position, with its footprint extending close to both street boundaries**

Divine Inspiration Trading 329 (Pty) Ltd. trading as Plan Active  
Reg. No. 2006/030921/07  
Vat. No. 4770250340

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI Nr.10908; SACPLAN Tch.Pln B/8250/2014  
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)  
Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACPLAN Pr.Pln A/158/2009

FILE NO. Erven 706 & 719 - HNC
SCAN NO.
COLLABORATOR NO. 2918624

Page 1

1 DEC 2025  
TP

Accordingly, these comments are submitted not in opposition to the development per se, but to ensure that the Overstrand Municipality maintains consistency with prior and future approvals, enforces applicable planning and safety standards, and mitigates any residual risks to surrounding property owners and road users.

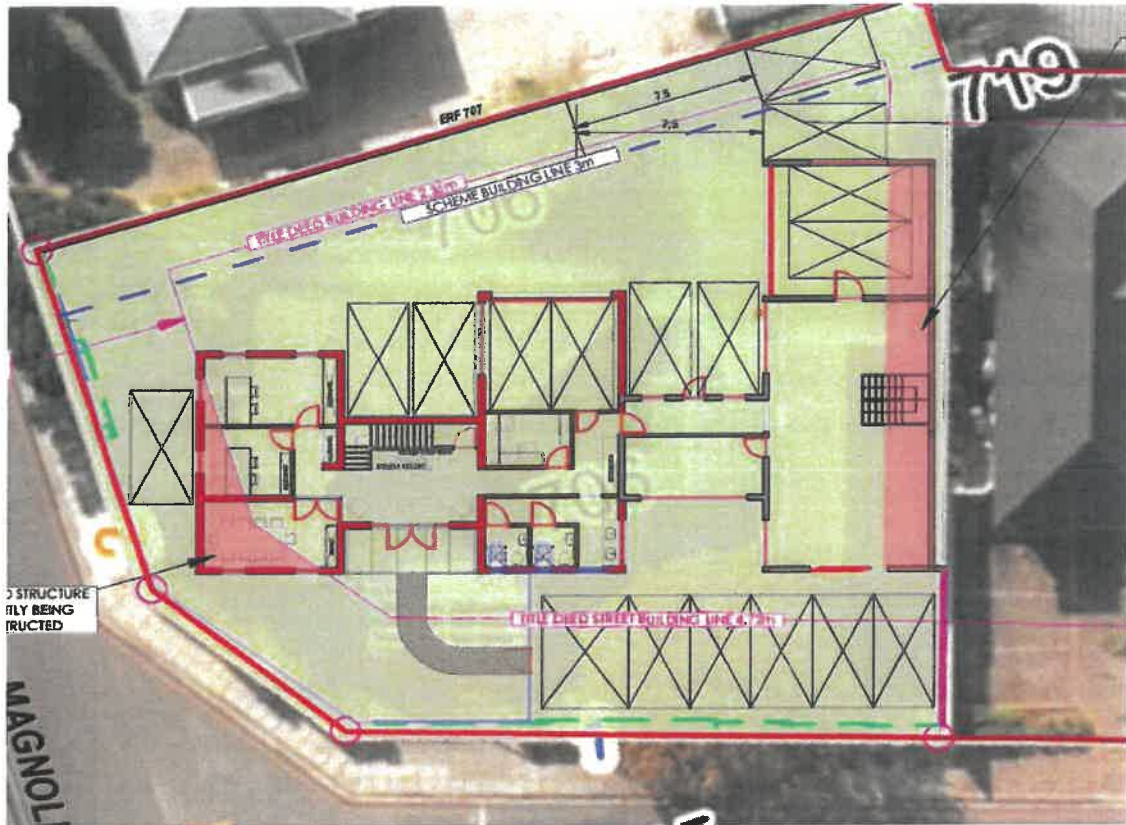
Erf 719, 3 Aberdeen Street, previously received approval on 16 November 2015 (Plan Active on behalf of Overstrand Hospice NPC) for an amendment of conditions to permit office and shop use. This approval was subject to specific conditions, including:

1. That the approval applied only to the development as indicated on Site Development Plan CS-03 dated 4 June 2015.
2. That ownership of the retail concern remains with Overstrand Hospice.
3. That the retail use be subservient to the Hospice's office use.
4. That, upon change of ownership, the retail component falls away, and the property reverts to office use only.
5. That the approval did not exempt the applicant from compliance with other applicable legislation, including building control.

Given the current application proposes removal of restrictive title deed conditions and consolidation of Erven 706 and 719, we request clarity on the following:

- Will the 2015 approval conditions continue to bind the consolidated property and any successor title deed?
- If not, will equivalent new conditions be imposed to preserve the intent of the original approval?
- Will the consolidation confer any additional land-use rights beyond those already approved under Business Zone 3 and the 2015 decision?
- Will future amendments, expansions, or ownership changes remain subject to municipal scrutiny and approval processes?

While the building plan has been approved, we urge the Overstrand Municipality to re-evaluate the proposed parking layout in light of current traffic safety standards and policy developments:



### Parking Layout

- The proposed five (5) parking bays with direct access to Aberdeen Street are located adjacent to the uncontrolled intersection with Magnolia Street. Vehicles turning left from Magnolia into Aberdeen do so without stop or yield control, creating a high-risk scenario for collisions and pedestrian conflict.
- We understand the Municipality has adopted a stricter stance against direct-access bays from public streets. This policy should be consistently applied to all development proposals to ensure fairness and safety.
- We request confirmation that all proposed parking bays on the site meet minimum dimensional standards and that sufficient manoeuvring space is provided behind each bay. Based on submitted plans, several bays appear to lack adequate clearance from walls and structures.
- The combination of direct street access, proximity to an uncontrolled intersection, and limited internal circulation space presents a clear safety concern that warrants mitigation—even at this advanced stage of construction.

The visual evidence reinforces the urgency of addressing the proposed parking configuration before final approvals are granted.

**Key Risks:**

- **Proximity to an Uncontrolled Intersection**  
Vehicles turning into Aberdeen may immediately encounter reversing vehicles from the bays, increasing collision risk. The proximity of these parking spaces to the intersection significantly increases the risk of side-impact or rear-end collisions and creates a hazardous situation for pedestrians as well.
- **Limited Sight Distance and Reaction Time**  
Visibility is restricted for both drivers and pedestrians, especially near the corner where the building under construction is situated close to both street boundaries.
- **Conflict with Updated Municipal Policy**  
The layout contradicts the Municipality's stricter stance against direct-access bays, undermining safety enforcement.

**We respectfully request that the applicant / consultants:**

- Reconfigure the parking layout to eliminate direct access from Aberdeen Street, especially near the intersection.
- Introduce internal circulation space or rear access to allow safer entry and exit.
- Apply corner-clearance and sight-distance standards consistently.
- Require a traffic impact statement before finalizing any approval related to parking.
- Review the proposal in light of current municipal policy, sight-distance and corner-clearance standards and guidelines on access spacing. Where a change in policy has occurred re road direct-access bays, it should be consistently applied to ensure traffic safety and also fairness to all applicants.
- Confirm that all proposed parking bays meet the minimum dimensional standards and that a minimum manoeuvring space is provided behind each bay. Based on the submitted plans, several parking spaces—appear to lack sufficient manoeuvring depth or clearance from walls and structures.

The combination of direct street access, proximity to an uncontrolled intersection, and limited internal circulation space presents a clear vehicular safety concern that should be addressed.

We respectfully request that the Town Planning and Engineering Departments take the above matters into account and ensure that the previously approved conditions and updated safety standards are fully enforced or re-imposed as part of any new approval.

We submit these comments in good faith to promote the orderly and safe development of the area, to uphold municipal planning principles, and to protect the legitimate expectations of surrounding property owners and road users.

Yours faithfully



John Mc Lachlan



# Project Office

Town Planning & Project Management

Our Reference: 25/58  
Your Reference: 706 and 719 HNC

11 December 2025

The Municipal Manager  
Overstrand Municipality  
PO Box 20  
**Hermanus**  
7200

Attention: Ms H van der Stoep

FILE NO.	<input checked="" type="checkbox"/>
Ewen 706 + 719 HNC	
SCAN NO.	<input type="text"/>
COLLABORATOR NO.	<input type="text"/>
2930846	

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
12 DEC 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

## **ERVEN 706 & 719 HERMANUS: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS & CONSOLIDATION**

During the public participation process, one written submission was received from an interested and potentially affected party. The purpose of the submission was not to object to the proposed consolidation and removal of restrictive title deed conditions, but rather to seek clarity on aspects of the application and to highlight concerns relating primarily to the applicability of historical conditions of approval and the proposed parking layout. The following section provides a detailed response to each issue raised, clarifies the intent and implications of the application, and demonstrates compliance.

The comments submitted have been carefully considered. As noted by the commenting party, the purpose of their submission is not to object to the development, but to seek clarity on the application, ensure consistency with municipal processes, and highlight perceived safety risks associated with the proposed parking layout. The following responses address each point raised.

### **APPLICABILITY OF THE 2015 CONDITIONS OF APPROVAL AFTER CONSOLIDATION**

The 2015 approval for Erf 719 Hermanus, which permitted a shop, subservient to office use, remains relevant and has been fully considered as part of this application. Consolidation does not take away municipal conditions of approval, nor does it increase or alter the land-use rights currently applicable to the erven.

Project Planning | Project Feasibility | Land Use Applications | Project Execution Management | Liquor Licensing

Office 3, Oakwood,  
10 Dirkie Uys Street,  
Hermanus

PostNet Hermanus Suite 170  
Private Bag X16, Hermanus,  
7200

Tel: +27 (0)28 313 1411  
Email: admin@wrapgroup.co.za  
Web: www.wrapgroup.co.za

**20** YEARS

WRAP Group Established 2002

12 DEC 2025

TP

The intent of the 2015 approval remains unchanged:

- The retail component will continue to operate under Overstrand Hospice.
- The use will remain subservient to the primary administrative and operational functions of the Hospice.
- No change of ownership or intensification of land use is proposed.

Following consolidation, any conditions of approval that the Municipality deems appropriate may be transferred or referred to the new consolidated erf's approval documentation to ensure continuity and regulatory certainty. The consolidation therefore does not create any new rights nor diminish it the Municipality's ability to enforce existing restrictions.

#### **LAND-USE RIGHTS BEFORE AND AFTER CONSOLIDATION**

The consolidation is administrative in nature. It does not create additional development rights beyond what is already permitted under Business Zone 3. The proposed uses remain fully aligned with the zoning scheme, namely:

- Hospice shop (existing);
- Hospice administrative offices; and
- Hospice storage space.

No intensification of use is proposed, and the building footprint has already been approved by the Municipality through the building plan approval process. The consolidation merely allows the Hospice to operate the properties more efficiently and ensures unobstructed internal movement between the erven.

#### **PARKING LAYOUT CONCERNS (DIRECT ACCESS TO ABERDEEN STREET)**

The concerns regarding direct access parking onto Aberdeen Street have been noted. The parking configuration forms part of the approved building plan, which was assessed against the Municipality's engineering and safety standards prior to approval. This process included an evaluation of access, manoeuvring space, sight distances, and compliance with applicable standards.

The following clarifications apply:

- The use is low-intensity, primarily associated with administrative staff and occasional visitors, with no high-turnover parking demand.
- The parking bay dimensions comply with the OMLUS and SANS standards as demonstrated in the approved building plans. The dimensions were illustrated on the Architect's plans. Refer to Annexure C of the motivation
- The internal circulation allows adequate manoeuvring space given the scale and operational requirements of the Hospice.
- The Municipality's Engineering Department reviewed the layout after assessing operational safety and its relationship to the intersection. If they provide any comment, it will be addressed accordingly.

It is therefore confirmed that the parking arrangement complies with the standards applicable at the time of approval and aligns with the site's operational characteristics.

### **PROXIMITY TO THE UNCONTROLLED INTERSECTION AND SIGHT-DISTANCE CONCERNS**

The building plan approval process included consideration of the building's placement on the erf and its relations to the street boundaries. Visibility and sight distance were evaluated by the Municipality, which issued an approval confirming compliance. The existing wall is a Clearview fence that allows for more visibility.

It must be emphasised that the site is located in an established mixed-use urban environment. The development remains consistent with the prevailing character and does not diminish sight distances beyond what is typical and acceptable for this area.

Furthermore:

- The scale of activity generated by the Hospice is substantially lower than that associated with typical retail or higher-intensity business operations.
- Reversing movements and access operations are limited and controlled due to low traffic volume.

Accordingly, no material safety or operational risks are anticipated.

### **REQUEST FOR A TRAFFIC IMPACT STATEMENT**

A traffic impact statement is not warranted for this application. The TIA thresholds apply to proposals that materially increase traffic volumes or introduce new activities that generate significant demand on the road network.

This application:

- Does **not** introduce new land uses.
- Does **not** intensify traffic volumes.
- Does **not** generate peak-hour traffic beyond existing levels.
- Serves a community-based, low-intensity use with predictable trip patterns.

The Municipality's approval of the building plans confirms that no additional traffic assessment was required. If the need does arise for further traffic interventions the owners will comply with the requirements set out.

### **FUTURE AMENDMENTS, EXPANSIONS, AND OWNERSHIP CHANGES**

Consolidation does not exempt the property from any future municipal approval requirements. Any future amendments, expansions, or change in ownership affecting land-use rights will remain subject to:

- The Overstrand Municipality Land Use Scheme;
- The Municipal Planning By-law; and
- Applicable building regulations.

The Municipality's scrutiny and approval authority remain fully intact.

**CONSISTENCY WITH PRIOR APPROVALS AND OVERALL DEVELOPMENT INTENT**

The proposal aligns with prior municipal approvals and does not deviate from the original intention of the Hospice's use on the properties. The operation remains community-based, low-impact, and supportive of essential healthcare services. No increase in development intensity or changes to the neighbourhood character are proposed.

The consolidation improves administrative clarity, enhances functional efficiency, and ensures that title-deed restrictions do not inadvertently place the Hospice in conflict with lawful building lines and development parameters.

**Conclusion**

The comments received during the public participation period have been carefully considered. While the submission raises several queries, none of the issues presented constitute valid grounds for objection to the proposed consolidation or the removal of restrictive title deed conditions. The concerns primarily relate to historical approvals and parking matters that have already been fully assessed and authorised through the building plan approval process. As such, the comments do not introduce any new information or demonstrate any material planning, legal, or operational impact that would justify refusal or amendment of the application.

The proposal remains consistent with the Overstrand Municipality Land Use Scheme, the Municipal Planning By-law, and the strategic principles of SPLUMA. The development is low-intensity, compatible with the surrounding mixed-use environment, and essential to the continued operation of Overstrand Hospice as a community-serving facility. The issues raised have been adequately addressed, and no residual concerns remain that would impede the approval of the application. The requirement for additional studies will also cause unnecessary financial burden on the Overstrand Hospice organisation.

Approval of the application is therefore considered reasonable, appropriate, and in the public interest.

Yours faithfully

**T JANSEN**  
**PROFESSIONAL TOWN PLANNER (A/2858/2019)**

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED  
CONDITIONS & CONSOLIDATION: ERF 706 & ERF 719, NORTHCLIFF  
(5092/2025)**

Electricity	:	In order
Water	:	In order
Sewer	:	In order
Stormwater	:	In order
Roads and traffic	:	In order

**Conditions:**

1. that the existing sewer connection(s) be used to service the proposed consolidated development;
2. that the water connections to the erven must be consolidated to one connection and that one water meter be allowed/ registered;
3. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
4. that the electricity connections to the erven must be consolidated to one connection and that one electricity meter be allowed/ registered;
5. that electrical submetering for second/additional dwelling(s) remains the responsibility of the developer/owner;
6. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
7. that, should any upgrading and / or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Principal Technologist: Engineering Services - Hermanus for written approval;
8. that any additional and / or extended vehicle entrances will be for the owner's account;
9. that no reservation of on-street parking be allowed;
10. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;

11. that stormwater reticulation and connection(s) to the municipal system be provided at the owner's cost, if required.



**RICARDO ANDREW**  
**PRINCIPAL TECHNOLOGIST:**  
**DEVELOPMENT CONTROL**

24/10/2025  
DATE