



MEETING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

A G E N D A

THIS MEETING WILL BE HELD VIRTUALLY

DATE:	30 OCTOBER 2025
VENUE:	TOWN PLANNING COMMITTEE ROOM
TIME:	10:00

OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT
Civic Centre
HERMANUS
7200

23 October 2025

TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

CONVENING NOTICE : SESSION OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

NOTICE IS HEREBY GIVEN that the **Municipal Planning Tribunal (MPT)** will go into session virtually on **Thursday, 30 October 2025** at **10:00** to consider the attached agenda.

H JANSER (MS)
CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL

Distribution:

1. Ms H Janser (Chairperson)
2. Mr S Müller (Vice Chairperson)
3. Mr H Blignaut (Member)
4. Ms R Louw (Member)
5. Mr R Kuchar (Authorised Official)
6. Mr S van der Merwe (Senior Town Planner)
7. Ms H van der Stoep (Senior Town Planner)
8. H Olivier (Town Planner)
9. Secretariat

MUNICIPAL PLANNING TRIBUNAL (MPT)

30 October 2025

INDEX

<u>ITEM</u>		<u>PAGE NUMBER</u>
	APPLICATIONS FOR LEAVE OF ABSENCE	
4.1	ERF 542, 22 STORMVOËL CRESCENT, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND SUBDIVISION: WRAP PROJECT OFFICE ON BEHALF OF IM GREYLING AND THE TRUSTEES OF WP SMIT FAMILY TRUST	1
4.2	ERF 2028, 85 MAIN ROAD, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING AND SUBDIVISION: PJ LE ROUX TOWN AND REGIONAL PLANNERS ON BEHALF OF ERF 1755 CC	41

1. OPENING

2. APPLICATIONS FOR LEAVE OF ABSENCE

3. CONFIRMATION OF MINUTES

3.1 Minutes of a Municipal Planning Tribunal Meeting held on 30 September 2025

4. ITEMS FOR CONSIDERATION

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

Report attached

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

Report attached

4.1

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

542 HVM (4990/2025)

H Olivier

18 September 2025

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

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

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

The restrictive title deed condition read as follows:

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

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

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

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, while the proposed Site Development Plan is attached as Annexure C. The Title Deed is attached as Annexure D.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The erf measures 1226m² in extent and there is an existing dwelling on the property. The erf is located in a residential area and is zoned Residential Zone I.

4. SUMMARY OF APPLICANT'S MOTIVATION

The motivation can be summarized as follows:

- ❖ The property owners purchased the property to subdivide it in future.
- ❖ Application is made to remove the condition in the Title Deed prohibiting subdivision and apply for the subdivision of the property into two (2) erven.
- ❖ The subdivision will provide the opportunity for two (2) properties to be developed.
- ❖ The *status quo* of the area is to allow subdivisions where appropriate.
- ❖ The removal of the restrictive condition is necessary to enable the subdivision.

Evaluation in terms of Section 39.(5)(a) - (f) of the By-Law is as follows:

- (a) There is no loss of economic or property value to any individual or entity should the condition be removed.
- (b) The company that the rights vest in has ceased to exist, therefore no personal benefits accrue to any identifiable party.
- (c) It will allow subdivision improving the properties manageability, value and future development potential.
- (d) There is no benefit retaining the condition. The municipal land use scheme already regulates subdivision.
- (e) It will allow for subdivision in line with the character and scale of the surrounding area and will be in line with the planning objectives.
- (f) It will not infringe upon any rights.

Subdivision

- ❖ Two (2) erven measuring 613m² in extend will be created.
- ❖ It aligns with the character of the surrounding area.
- ❖ It allows for better efficient use of land in line with municipal spatial objectives.
- ❖ This is considered infill planning which helps limits urban sprawl.
- ❖ The application will provide an additional housing opportunity.
- ❖ The property is Zoned Residential Zone 1.
- ❖ The property is connected to the Municipal water and sewer network, and a Bulk services contribution will be paid for the additional erf.
- ❖ One erf will obtain access from Stormvoël Crescent and the other from Hennie Henn Street.
- ❖ The application will have a positive economic impact as it would create housing opportunities, create jobs and increase property values.
- ❖ There will be no impact on Heritage areas.
- ❖ Will not have a negative impact on the Biophysical environment.
- ❖ Will not have a negative traffic impact.
- ❖ Will have no impact on views, sunlight and the character of the area.
- ❖ Will have no environmental impact.
- ❖ The property is not located in an HPOZ or EMOZ area.
- ❖ The proposal is in line with the Municipal SDF, which promotes densification.
- ❖ The application is in line with the SPLUMA and LUPA Planning Principles as follows:

Spatial Justice

The application will not contribute to spatial injustices and facilitate more efficient land use within the existing urban area.

Spatial Sustainability

Will provide infill densification with a sustainable method to create new properties without requiring additional land.

Efficiency

It will maximise the usage of the property and provide for the development of 2 dwellings.

Spatial Resilience

The application is not in conflict with spatial planning policies and the Overstrand Municipality Regulations.

Good Administration

The municipality followed a good consultative process and public participation process.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	19 June 2025	25 July 2025
Gazette	Yes	20 June 2025	25 July 2025
E-mails notices / Site notice	Yes	19 June 2025	25 July 2025
Internal departments	Yes	19 June 2025	25 July 2025
Ward councillor	Yes	19 June 2025	25 July 2025
Total comments	ONE (1)		
Total letters of support	NONE		
Was public participation undertaken in accordance with Section 46 - 50 of the By-law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

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

Name	Date received	Summary of comments
Fire Department	26/06/2025	No objection.

Building Control	19/06/2025	No objection.
Engineering Services	19/06/2025	See Annexure G.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

E-mails were sent out to all registered property owners in the township of Vermont during the public participation process. The application was also advertised in the local newspaper and Government Gazette, and a notice board was placed on-site.

One (1) letter of objection was received from **JC & NL Welman** during the public participation process.

The applicant was provided with an opportunity to respond to the objection. The objection is attached as Annexure E and the applicant's response is attached as Annexure F respectively.

The objection, applicant's response and Municipal Town Planners response can be summarized as follows:

OBJECTION 1

Unaware that Erf 542 had vehicle access from Onrus side.

APPLICANT'S RESPONSE

This property and several properties to the north have legal access to Stormvoël Crescent and Hennie Henn Streets. On the public viewer the property was allocated two addresses being 22 Stormvoël Crescent and 1 Hennie Henn Street.

TOWN PLANNER'S RESPONSE

The applicant's response is supported.

It must also be noted that the Engineering Services and the Operational Departments supports the application and thus support the access/egress to the two proposed erven.

OBJECTION 2

Nature of the adjacent municipal land.

APPLICANT'S RESPONSE

The land is municipal and is zoned Transport Zone 2: Road and Parking purposes. It is intended for access and vehicle movement. It is not privately owned and is the responsibility of the Municipality to maintain.

TOWN PLANNER'S RESPONSE

The applicant's comments are concurred with.

OBJECTION 3

The access off Hennie Henn Street will impact pedestrian traffic over this area when walking over the open space to the sea.

APPLICANT'S RESPONSE

There is no formal public pedestrian servitude between Erven 542 and 2319, Vermont and it is used informally by pedestrians.

TOWN PLANNER'S RESPONSE

The applicant is correct.

It is to be noted that pedestrians traverse private property if they use this informal route, which is illegal.

OBJECTION 4

The subdivision and additional traffic over the municipal land would affect the integrity of the surface negatively, resulting in deterioration and potential safety issues for both vehicles and pedestrians.

APPLICANT'S RESPONSE

The subdivision will generate bulk infrastructure contributions by owners. The Municipality may at its discretion allocate funds toward surfacing or improving the adjacent municipal road if deemed necessary.

TOWN PLANNER'S RESPONSE

If the subdivision is approved and a dwelling is constructed which obtains access from Hennie Henn Street, it would probably serve two vehicles. This is an extremely low traffic increase and the impact thereof on the surface will be minimal.

In the comments of the Operational and Engineering Services Departments no comments were made regarding concerns of the surface of this portion of road reserve.

OBJECTION 5

It is recommended that both portions obtain access from Stormvoël Crescent, and if one erf obtain access from Hennie Henn Street, a condition must be imposed that the road surface be properly paved to minimize surface damage and ensure safe access.

APPLICANT'S RESPONSE

The application will not create a significant increase in traffic. It is also the Municipality's prerogative to pave the area or create traffic calming measures.

TOWN PLANNER'S RESPONSE

If the subdivision is approved and a dwelling is constructed which obtains access from Hennie Henn Street, it would probably serve two vehicles. This is an extremely low traffic increase and the impact thereof on the surface will be minimal.

In the comments of the Operational and Engineering Services Departments no comments were made regarding concerns of the surface of this portion of road reserve.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

See Paragraph 7 above.

9. MUNICIPAL ASSESSMENT OF COMMENTS

See Paragraph 7 above.

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 is in line with the planning objectives applicable to this application.

The objectives relating to:

Spatial Justice

N/A

Spatial Sustainability

The proposal will promote the alleviation of urban sprawl and therefore place less pressure on valuable agricultural and sensitive environmental land.

Efficiency

The additional erf will make use of existing services and road infrastructure, ensuring services and facilities are used efficiently.

Spatial Resilience

The application is in line with spatial planning policies which promotes a variety of residential opportunities and densification.

Good Administration

Procedure as determined by the Municipality has been followed and a good public participation process was followed.

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

The application is consistent with the planning principles.

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

Consistent since it remains Residential.

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

Same as Point 10.4. above.

10.6 Impact on Municipal engineering services

The area is fully serviced.

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

The Title Deed does contain restrictive conditions, which are being applied for.

10.8 Existing and proposed zoning comparisons and considerations

The application is in line with the Overstrand Spatial documents.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS***The financial or other value of the rights***

There is no financial value of the rights.

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

The holder of the rights does not exist anymore. The person seeking the removal will benefit to be able to create an additional erf, can be developed or the erf can be sold off for financial gain.

The social benefit of the restrictive condition remaining in place, and/or being removed / amended

There is no real social benefit for the condition to remain in place, as the environment have changed since the condition was inserted in the Title Deed.

By removing the restriction that the erf may not be subdivided, it enables the property owner to create an additional erf. This will provide an additional erf that can be sold off to potential buyers or create more rental housing opportunities to the community. It would also increase the property value of the land. It would further also lead to an additional increase in rates and taxes for the Municipality.

The restrictive condition also stipulates building lines, being 1,57m from the lateral and rear boundaries and 3,15m from the street boundary. The Municipal Land Use Scheme, which is also applicable to the area already specifies a 4m street building line and 2m rear and lateral building lines and is therefore stricter. The removal of the building lines restriction will therefore have no impact on adjacent owners.

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

Application is made to only remove the restriction that the erf may not be subdivided and the building restrictions.

12. THE DESIRABILITY OF THE PROPOSAL

The property measures 1226m² in extent and there is an existing dwelling on the property. The erf is in a residential area Vermont and is zoned Residential Zone I.

The applicant wants to subdivide the property into two (2) portions of 613m² each. The existing dwelling on the property will be demolished, and a demolition permit has already been obtained.

The Title Deed also contains a restriction that prohibits the subdivision of the erf. In the same condition street, lateral and rear building lines are also stipulated.

The application was advertised, and one (1) letter of objection was received. The objection relates to the fact that the one portion will now have to obtain a new access from Hennie Henn Street, and the objector is concerned about the increase in traffic in his street and that the road surface will not be able to cater for the additional traffic. This point was discussed in this report, and the increase in traffic will be so low (possibly two vehicles) that it should not have a major impact on the road surface. There are also existing bollards placed next to this portion of the road reserve which direct vehicles onto the hardened gravel surface. There is also existing stormwater infrastructure in the area to cater for any additional run-off.

It is also to be noted that the Municipal Operational Department and the Engineering Services Departments support the application.

In terms of the SDF, 2020 the area is identified for residential purposes. In terms of the Overstrand Municipality Growth Management Strategy, 2010 the area is earmarked for *status quo*. This means subdivisions must comply with the property sizes of surrounding properties. The size of erven in this area is between 500m² and 720m² in size. The two erven of 613m² each is in line with the aims of the Growth Management Strategy, 2010 and the Overstrand Municipality SDF, 2020.

It is therefore not foreseen that this application will have a negative impact on the character of the surrounding area or surrounding property owners.

Application is also made to remove the Title Deed restriction for the 3,15m street building line, 1,57m lateral building line and 1,57m rear building line. The Overstrand Land Use Scheme, 2020 stipulates stricter building lines being 4m street and 2m rear and lateral building lines. The removal of these restrictions can therefore be supported as building lines can sufficiently be controlled in terms of the Land Use Scheme.

The applications can therefore be supported.

13. RECOMMENDATION

1. that the objection be noted.
2. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 542, Vermont for the removal of restrictive title condition E.(a) as contained in Title Deed T13358/10 of the property, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on to subdivide Erf 542, Vermont into two (2) portions, namely: Portion A ($\pm 613\text{m}^2$) and a Remainder ($\pm 613\text{m}^2$), **be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in Points 2 - 3 above is in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the subdivision as indicated on Subdivision Plan number 24.166 (001) dated 24/07/2025, submitted with the application;
 - (b) that the existing dwelling on the property be demolished prior to the registration/transfer of the new erf;
 - (c) that building plans be submitted for all new buildings to the Building Control Department for approval, and that all conditions of the Building Control and Fire Departments be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
 - (f) that all the conditions in the Services Report (attached as Annexure G), be complied with.
5. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above decision.

14. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ The existing municipal services can accommodate the additional erf.
- ❖ The objection is noted, but the application to create one additional property access from Hennie Henn Street will have a very low increase in traffic and it is the opinion that the increase in traffic will not have a major impact on existing road surface area. The application is also supported by the Municipal Operational Department and the Engineering Services Departments, who is responsible for road infrastructure.
- ❖ The subdivision of the erf is in line with the Overstrand Growth Management Strategy, 2010 which earmark this area as *status quo*. Surrounding erven measure between approximately 500m² to 720m² in extend, and the two proposed erven will each measure 613m² in extend.
- ❖ The size of the new proposed erven will be in line with the sizes of surrounding properties, and it is not foreseen that the character of the area will be impacted on.
- ❖ The removal of the restrictive Title Deed condition would ensure the property can be subdivided and be developed to its full potential, and the restrictive building lines can be removed as it is not required anymore, as development can now be controlled by the Land Use Scheme.
- ❖ The application is in line with the General Principles of LUPA and SPLUMA, as the densification of areas within the urban edge will ensure valuable agricultural and environmentally sensitive land is not developed and create sustainable development. The development is also efficient as existing services will be utilized.
- ❖ The application is desirable.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Subdivision Plan
Annexure D:	Objection received
Annexure E:	Applicant's response to objection
Annexure F:	Services Report
Annexure G:	Title Deed T13358/10

SIGNATURES

AUTHOR:

Name: **HENK OLIVIER**

SACPLAN Reg No: **B/8128/2004**

Signature: _____

Date: _____

REGISTERED PLANNER

Name:

H VAN DER STOEP

SACPLAN Reg No:

A/1708/2013

Signature:

Date:

1. Locality Plan
Erf 542 Vermont

Plan prepared by: Thian Jansen

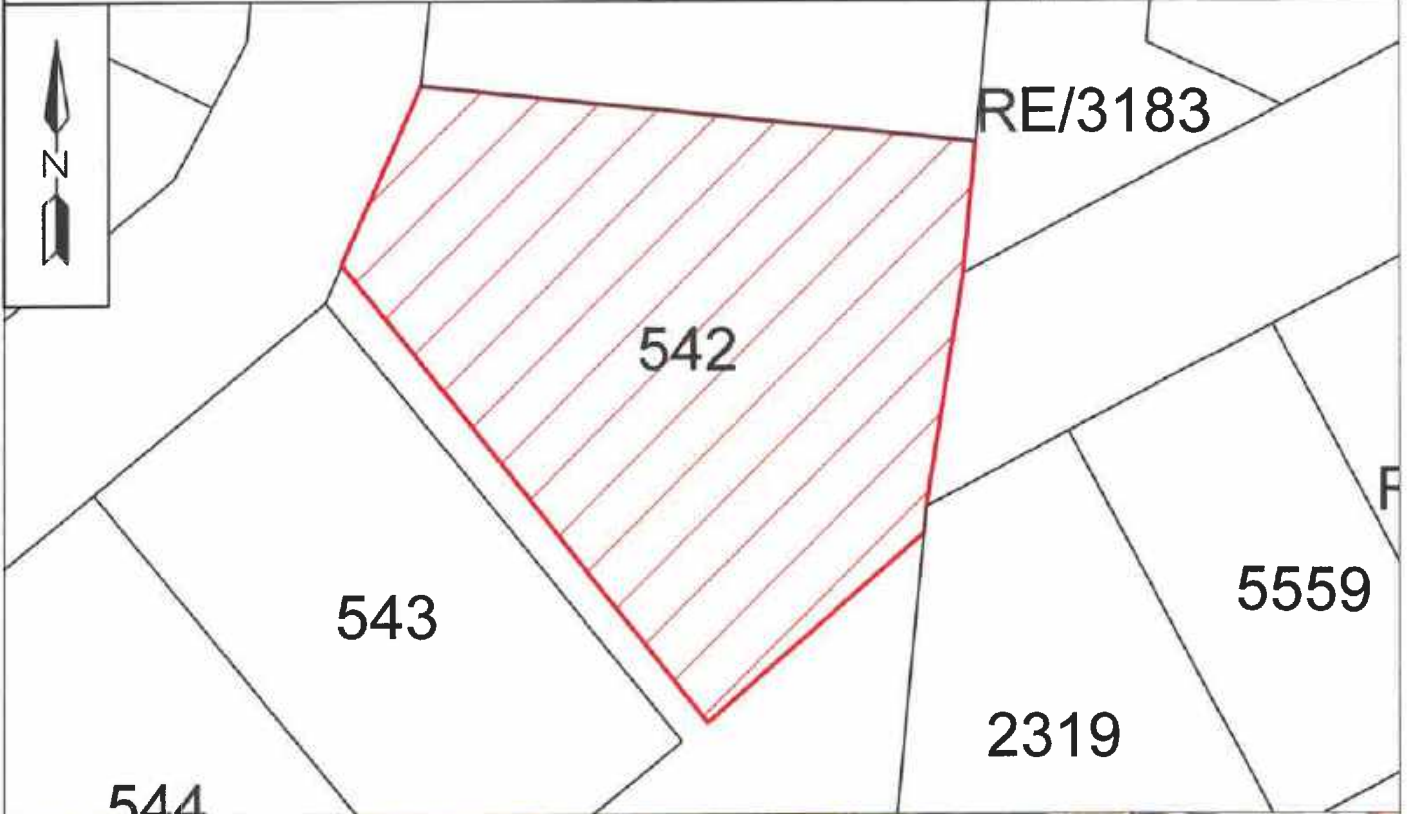
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Street Hermanus, 7200



Project Office
Town Planning & Project Management





MOTIVATION

1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
By-Law	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
LUPA	Western Cape Land Use Planning Act, 2014.
MSDF	Overstrand Spatial Development Framework, 2020
SR1	Residential Zone 1: Single Residential

2. PROPERTY DETAILS

Property Details	Erf 542, Vermont
Erf extent	1 226m ²
Current zoning	Residential Zone 1: Single Residential

3. BACKGROUND

Erf 542, Vermont is the subject property. The owners purchased the property in 2010 with the intention of subdividing it in the future, aiming to divide the asset equally between the two owners.

The owners have a clear vision for the subject property, namely, to transform it into two erven. This will be achieved by demolishing the existing dwelling. A demolition permit will be obtained if the subdivision is approved. There is ample space available and the two proposed portions of the property will provide more than sufficient room for the construction of two dwelling houses, consistent in scale with neighbouring properties. By subdividing the property, the owners aim to maximise the potential of the site and contribute to the overall development of the area.

Through careful planning and consideration of the surrounding property sizes, the owners seek to ensure that the new erven will blend harmoniously into the existing neighbourhood. This approach not only enhances the visual appeal of the area but also promotes a sense of continuity and unity within the community.

The title deed, however, contains a restrictive condition that must be removed to allow the subdivision to proceed. This application therefore includes the removal of the restrictive title deed condition. Approval of the following applications is required:

- Removal of a restrictive title deed condition; and
- Subdivision into two erven.



MOTIVATION

4. PROCEDURE TO ACHIEVE THE OWNER'S INTENT

WRAP Project Office was appointed to compile and submit a land use planning application to achieve the vision highlighted in *Section 3* of this report. The following is proposed:

4.1 Removal of a restrictive title deed condition to allow the subdivision of Erf 542, Vermont

Title Deed T13358/2010 (refer to **Annexure B**) was reviewed, and it contains a single restrictive condition that must be removed to enable the proposed subdivision. This condition prohibits the land use rights necessary for the subdivision of the property. The rationale for its removal is discussed below. The title deed condition proposed to be removed is indicated in **Table 1** below:

Table 1: Restrictive Title Deed Condition

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

The condition prohibits subdivision without the consent of the transferor company. As the company in question no longer exists, the removal of this condition is necessary. The proposed subdivision is not expected to be out of character with the surrounding area, and no negative impacts are anticipated. It is also important to note, the building line restrictions located in the title deed is less restrictive than the OMLUS, meaning the removal will over no additional rights to the owners.

Motivation

The rationale for the proposed removal

The owners have a clear vision to subdivide the property, with the intention that each owner will retain a separate portion of the erf. The rationale behind this proposal is rooted in a desire to formalise individual ownership arrangements, simplify future property management, and allow each owner the autonomy to develop or utilise their portion independently. Subdivision will also ensure that the property's potential is maximised in a manner that remains consistent with the character of the surrounding area. By creating two erven, the owners aim to enhance both the functionality and long-term value of the property.

Title deed condition background

The restrictive title deed condition was originally intended to regulate the subdivision of the property by requiring the consent of the transferor company. This mechanism was likely included to control development and ensure orderly land use. The transferor company however, longer exists, rendering the fulfilment of this condition impossible.



MOTIVATION

As such, its removal is necessary to enable the proposed subdivision of Erf 542, Vermont. The authority to consider and approve the removal of this condition now resides with the Overstrand Municipality.

Status quo

The current Overstrand Municipality Land Use Scheme (OMLUS) provides clear and consistent development parameters for residential properties across the municipal area, including provisions for subdivision where appropriate. The title deed applicable to Erf 542, Vermont however contains a restrictive condition that prohibits subdivision without the consent of the now-defunct transferor company. This condition is more restrictive than the applicable land use scheme and municipal policies.

As a result, both the current and intended future use of the property are constrained by this outdated condition. While such restrictions may have been appropriate at a time when detailed municipal planning frameworks were not yet in place, they now conflict with the more progressive and flexible development guidelines of the Overstrand Municipality. The removal of this restrictive condition is therefore necessary to enable the subdivision and to allow the owners to realise the full potential of the property in a manner that aligns with the current statutory framework.

It is the responsibility of the current owners to ensure that the property complies with both the applicable planning legislation and the conditions of title in order to proceed with the proposed subdivision.

In terms of the requirements of LUPA, the following is addressed in terms of Section 39(5) (a-f) in **Table 2** below:

Table 2: LUPA, Section 39(5) (a-f)	
<i>(a) 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>	The restrictive condition requires the consent of the transferor company for subdivision. As the transferor company no longer exists, there is no identifiable person or legal entity currently enjoying any financial or other value derived from this condition. Accordingly, there is no loss of economic or property value to any individual or entity should the condition be removed.
<i>(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;</i>	Given that the rights vest with a company that has since ceased to exist, no party is presently in a position to exercise or benefit from the rights conferred by the condition. As such, no personal benefits accrue to any identifiable party under the existing condition.
<i>(c) the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the</i>	The removal of the restrictive condition will enable the lawful subdivision of Erf 542 Vermont, in accordance with the Overstrand Municipality Land Use Scheme



MOTIVATION

<p><i>restrictive condition if it is removed, suspended or amended;</i></p>	<p>and other applicable policies. This will allow each owner to retain a portion of the property under separate title, improving the property's manageability, value, and future development potential. It will also formalise a longstanding co-ownership arrangement, thereby providing legal certainty.</p>
<p><i>(d) the social benefit of the restrictive condition remaining in place in its existing form;</i></p>	<p>There is no clear social benefit in retaining a condition that cannot be enforced due to the absence of a beneficiary. Furthermore, the condition is more restrictive than the municipal land use scheme, which already regulates subdivisions in a consistent and transparent manner. Retaining the condition would perpetuate an unnecessary administrative burden and hinder the efficient use of land.</p>
<p><i>(e) the social benefit of the removal, suspension or amendment of the restrictive condition; and</i></p>	<p>The removal of the condition will facilitate appropriate development that is in keeping with the character and scale of the surrounding area. It promotes the efficient use of urban land and allows for the formalisation of a more equitable and transparent ownership structure. The proposed subdivision aligns with municipal planning objectives and contributes positively to the orderly development of the area.</p>
<p><i>(f) 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></p>	<p>The removal of the condition will not infringe upon the rights of any existing beneficiary, as no identifiable party currently benefits from the condition. The removal will merely eliminate an obsolete restriction that no longer serves a practical or legal function.</p>

4.2 Subdivision of Erf 542 Vermont into Portion A, ±613m², and the Remainder, ±613m².

The subject property has an extent of 1226m² and as mentioned previously, the owners have an intention to subdivide the property in two equal portions. The proposed subdivision aims to divide the property into two portions, each measuring ±613m². This strategic division allows the property owners to maximize the extent and development potential of the subject property. The proposed subdivision is summarised in **Table 3** and illustrated in **Figure 1** on the following page.



MOTIVATION

Table 3: Proposed Subdivision of Erf 542, Vermont		
Status Quo		
Erf 542, Vermont		1 226m ²
Proposed Subdivision		
1	Proposed Remainder of Erf 542, Vermont	±613m ²
2	Proposed Portion A (a Portion of Erf 542, Vermont)	±613m ²

By subdividing Erf 542 Vermont into two equal portions, the owners seek to make optimal use of the available land, creating two well-proportioned residential properties of approximately 613m² each. This proposed layout aligns with the prevailing character of the surrounding neighbourhood, where similarly sized erven are common. The subdivision has been carefully considered to ensure that the resulting erven will integrate seamlessly into the existing urban fabric, contributing to a coherent and balanced residential environment.

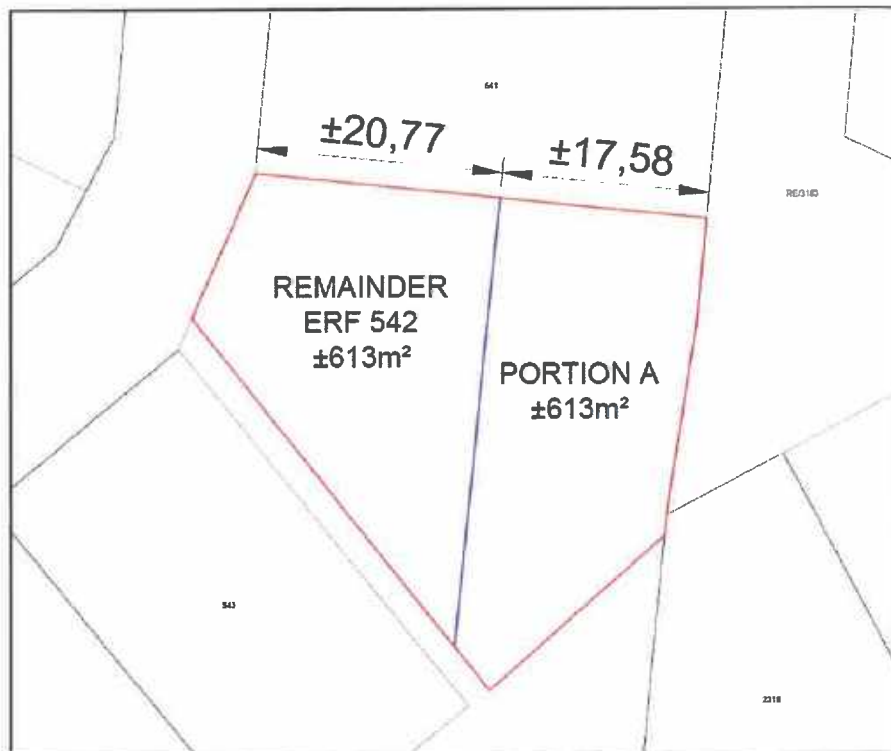


Figure 1: Extract of Plan 3 - Proposed subdivision

The proposal offers a range of planning and socio-economic benefits. Firstly, it allows for more efficient land use within an established urban area, consistent with the spatial development objectives of the Overstrand Municipality. Secondly, it creates an opportunity for an additional household to access residential property in Vermont, an area where demand for well-located residential erven remains high. The subdivision will not result in overcrowding or overdevelopment, as each portion will be suitably sized to accommodate a single dwelling in accordance with the applicable zoning and development parameters.



MOTIVATION

Furthermore, the subdivision supports infill development, which is encouraged in terms of sustainable planning principles. It helps to limit urban sprawl by facilitating growth within areas already serviced with infrastructure and amenities. This reduces pressure on municipal resources and promotes a more compact urban form.

With the growth of the population in the Overstrand area, new housing opportunities should be welcomed. The OMSDF includes projections related to the population growth of key areas within the municipality. According to the OMSDF, Greater Hermanus area experienced a population growth rate of 6.4% per annum between 2001 and 2011. The document further states that the Greater Hermanus area will require several thousand additional dwelling units to accommodate future population growth (OMSDF, p.28). This places increasing pressure on the Overstrand Municipality to provide housing opportunities in areas where land availability is constrained. In this context, the creation of new residential opportunities in Voëlklip is particularly important, as vacant, undeveloped erven in this suburb are scarce. The proposed subdivision will therefore contribute meaningfully to meeting this need without compromising the established character of the area.

The visual representation provided in **Figure 1** illustrates the proposed subdivision layout and highlights how the new erven will function as independent residential sites. The owners' intention is not to intensify land use beyond what is considered appropriate, but rather to formalise a fair and practical ownership arrangement while creating new opportunities for residential development.

The proposed subdivision of Erf 542 Vermont represents a logical, responsible, and beneficial land use intervention. It is in line with municipal policy, promotes efficient and sustainable development, and will enhance the residential appeal of the area without compromising its character or amenity.

5. LAND USE ENVIRONMENT

There is a mixture of zonings surrounding the subject property, although the area is considered to be a residential area. The surrounding area's zoning is illustrated in **Plan 2** (zoning plan).

6. ZONING

The proposal entails the subdivision of the subject property into Portion A and the Remainder. Should the application be approved, the existing dwelling on the property will be demolished, and both portions will retain the SR1 zoning. This will allow for the continued use of the properties for residential purposes. The subdivided properties will adhere to the zoning parameters applicable to SR1 in terms of the OMLUS, as required by Section 66(1)(a) of the Overstrand Municipal By-Law.



MOTIVATION

7. SERVICES

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

Electricity, Water, Sewage and Solid Waste

The subject property is connected to the OM's services network which includes electricity, water, sewage and solid waste. Both properties will be connected to the OM's services network, creating an additional connection requirement if the proposal is approved, and the required Bulk Services Contribution will be made to the OM.

Access and Egress

Refer to **Plan 3** for the proposed subdivision plan, vehicular access, and egress will be as follows:

	Property	Access and Egress
1	Proposed Remainder of Erf 542, Vermont	Stormvoël Crescent
2	Proposed Portion A (a Portion of Erf 542, Vermont)	Hennie Henn Street

8. 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 can be illustrated as follow:

Need and desirability

The need for the proposed development arose from the property owners' vision to be able to optimise the utilisation of the entire extent of the subject property.

Socio-economic impact	<p>The proposed subdivision to accommodate a higher density residential development has a positive impact on the following socio-economic aspect of the area:</p> <p>Increased Housing Options: The subdivision creates new residential opportunities by dividing the property into multiple portions. This allows for the construction of additional dwelling houses, providing a greater supply of housing options for residents. The increased availability of housing can help address the housing demand and potentially contribute to a more balanced and diverse housing market.</p> <p>Job Creation: The subdivision project itself can generate employment opportunities. Various professionals and skilled workers, such as architects, construction workers, engineers, and landscapers, may be involved in the planning, design, and construction phases. The project</p>
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MOTIVATION

	<p>can create both direct and indirect employment, thereby stimulating local economic activity and supporting livelihoods.</p> <p>Economic Growth: The development of new residential properties through subdivision can contribute to local economic growth. It attracts investment and increases economic activity in the construction sector, as well as in related industries such as real estate, retail, and services. This growth can lead to increased tax revenue for local authorities, which can be reinvested in community infrastructure and services.</p> <p>Property Value Enhancement: The subdivision and subsequent development of the subject property can positively impact property values in the surrounding area. Well-designed and well-maintained residential properties can enhance the aesthetic appeal and desirability of the neighbourhood. This can lead to an overall increase in property values, benefiting not only the property owners but also the broader community.</p>
Compatibility with surrounding uses	The properties will be used for residential purposes which is compatible with the surrounding area.
Impact on the external engineering services	The Overstrand Municipality's Engineering Department will review the application to ensure that the availability of services is adequate, and the property owners will be expected to make a bulk services contribution. These contributions will also enable the municipality to improve any current services if required.
Impact on safety, health and wellbeing of the surrounding community	It is not expected that the proposed subdivision will have an effect on the safety, health and wellbeing of the surrounding community.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	<p>The proposal has the following positive impact on the biophysical environment:</p> <p>Land use efficiency: The proposal is proposing to be more land-efficient than low density developments, which can help preserve open spaces, farmland, and natural habitats. This can help maintain biodiversity and ecosystem services in the surrounding area.</p>
Traffic impacts, parking, access and other transport related considerations	The proposed development will have adequate parking on each portion, also as the access and egresses are divided between Stormvoël Crescent and Hennie Henn Street, it is not predicted that the subdivision will have a drastic impact on the traffic flow.



MOTIVATION

Impact on views, sunlight and character of the area

The proposed subdivision does not have any impact on the views, sunlight and character of the surrounding area.

The proposed development of the vacant erf will follow the development parameters set out by the OMLUS, which will ensure that the proposed development will not impact on the views and sunlight of the surrounding area.

Economic impact

Section 3 of this report indicated what economic impact this development will have. Various role players will be employed and involved in the whole process. Jobs will be created on a temporary basis for all those role players involved, while on a more permanent basis more rates and taxes will be collected by the municipality.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal which leads to the devaluation or foregoing valued land use rights of interested and affected parties when an application is approved. The proposed subdivision will increase the surrounding property values as more housing opportunities will be created and new development will take place.

Impact on heritage

The subject property is not listed in the OM Heritage Register. None of the provisions in the National Heritage Resources Act, 1999 are triggered by this proposal. There is therefore no impact on heritage.

Environmental impact

No listed activities in terms of the National Environmental Management Act are triggered by this proposal.

9. POLICIES AND REGULATIONS

9.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The property is not located within the EMOZ.

9.2 Heritage Protection Overlay Zone (HPOZ)

The property is not located within the HPOZ.

9.3 Spatial Planning Policies

The compliance of this proposal with the applicable spatial development policies was assessed. These policies are instrumental in guiding spatial development and providing prescripts of what constitutes sound town planning development patterns. The compliance of this proposal in conjunction with provincial and local policies which are key development informants will be illustrated.



MOTIVATION

PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK - PSDF

Policy preface

The PSDF is a product of a provincial inter departmental and inter-governmental collaboration under the guidance of the interdepartmental steering committee with the private sector, academia, and non-governmental organisations. This broad participatory process has created a shared spatial vision which is intended to inform spatial development patterns of urban areas in the province.

Consistency of the proposal with the policy

Throughout the framework, the process of infill planning is emphasized. Section 3.3.7 states that densification should take place using infill planning and should be the first choice when densification is proposed.

The proposal to create an additional erf is in line with the proposal to densify an existing area. By densifying through infill, no urban sprawl is created, and the maximisation of the existing urban area is used. By densifying existing areas, these areas can benefit from higher economic activity.

MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK – MSDF

Policy Preface

The SDF's intention is to ensure compliance with national, provincial and district legislation policies and principles. The SDF aims to provide sufficient guidance regarding what constitutes appropriate spatial development land uses and direction within the urban edge. The SDF was drafted after considering input from other state departments and the public and provides a shared spatial vision which development proposal should ideally attempt to synchronise with.

Consistency of the proposal with the policy

The policy promotes the protection of the character of the OM. The approval and implementation of the proposed subdivision will not undermine the character of the site and surrounding area.

The SDF promotes the containment of the footprint of OM within the well-defined urban edge. The subject property is located within the urban edge of OM and this proposal contains urban development within this footprint as prescribed.

10. PLANNING PRINCIPLES

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

Spatial Justice

Spatial justice involves promoting equitable and inclusive development that addresses and rectifies historic spatial inequalities, particularly those stemming from apartheid-era planning. The proposed subdivision of Erf 542 Vermont does not contribute to the perpetuation of apartheid spatial development patterns. Instead, it



MOTIVATION

aligns with contemporary principles of spatial justice by facilitating more efficient land use within an existing urban area, thereby supporting equitable access to residential land opportunities. By enabling the creation of an additional residential erf in a well-established neighbourhood, the proposal contributes to a more balanced and just spatial distribution of housing, without marginalising or excluding any social groups.

Spatial Sustainability

Spatial sustainability refers to the creation of viable, liveable communities that can maintain social, economic, and environmental well-being over time. The proposed subdivision promotes spatial sustainability by maximising the utilisation of already serviced land within the urban boundary. This form of infill development is widely regarded as a sustainable planning practice because it reduces the need for urban expansion into undeveloped or agricultural land, thereby preserving natural resources and minimising infrastructure costs. By subdividing the existing erf into two residential properties, the proposal efficiently uses available land to meet housing demand while supporting sustainable growth patterns.

Efficiency

The proposed subdivision aims to optimise the use of Erf 542 Vermont by dividing the property into two suitably sized portions, each capable of accommodating a single dwelling house. This approach ensures that the land is utilised efficiently to benefit two households, providing sufficient space for comfortable living environments. It also aligns with municipal development guidelines regarding minimum erf sizes and density requirements. Such efficient land utilisation contributes to the overall functionality and economic viability of the area, avoiding underuse of valuable urban land.

Spatial Resilience

Spatial resilience is characterised by planning interventions that harmonise with existing policies and frameworks, ensuring adaptability and long-term viability. The proposed subdivision does not conflict with any spatial planning policies or regulations established by the Overstrand Municipality. It complies fully with the Overstrand Municipal Land Use Scheme and other relevant legislation, reflecting a resilient approach that is adaptable to future planning and development considerations. This ensures that the subdivision can withstand changing circumstances and continue to contribute positively to the urban environment.

Good Administration

The Overstrand Municipality has demonstrated a credible track record of good governance and administration in land use planning. This includes transparent public participation processes that invite and consider comments from affected parties and the wider community, enabling informed and balanced decision-making. The Municipality also adheres to prescribed timeframes for processing applications, ensuring efficient service delivery and certainty for applicants. The current application process complies with these administrative standards, reflecting the Municipality's commitment to procedural fairness and effective land use management.



CONCLUSION AND RECOMMENDATION

11. CONCLUSION

The proposal must be assessed with the understanding that the current use of Erf 542 Vermont is not optimally utilising the available land. The existing single erven configuration underutilises the property's potential, given its size and location within a well-established residential area. The owners' intention to subdivide the property represents a responsible and efficient approach to land use, which will enhance the residential capacity of the area while maintaining the character and quality of the neighbourhood.

Importantly, the proposed subdivision does not seek to introduce any new or intensified land use rights beyond what is currently permitted. Both resulting erven will remain designated for residential purposes in accordance with the Overstrand Municipality Land Use Scheme and relevant spatial planning frameworks. This consistency ensures that the proposal is fully aligned with existing municipal policies and planning guidelines, demonstrating that the owners have conscientiously considered the broader planning context.

In addition, the subdivision proposal supports the municipality's objectives to encourage sustainable infill development and optimise land use within urban boundaries, thereby helping to curb urban sprawl and preserve open spaces outside the urban edge. The increase in residential units, though modest, contributes positively to addressing the growing housing demand within Vermont and the greater Overstrand area. Furthermore, the application process will incorporate public participation as mandated by the Overstrand Municipality, ensuring that neighbouring property owners and other stakeholders have the opportunity to provide input. This open and inclusive approach supports good governance and assists in achieving an outcome that respects the interests of the wider community.

In summary, the proposal to subdivide Erf 542 Vermont represents an efficient and well-considered use of the land, consistent with all applicable spatial planning policies. It maximises the potential of the property in a way that respects the existing residential character of the area and contributes to meeting housing needs in a sustainable manner. The involvement of experienced professionals and the commitment to public participation further reinforce the proposal's sound planning principles.




CONCLUSION AND RECOMMENDATION

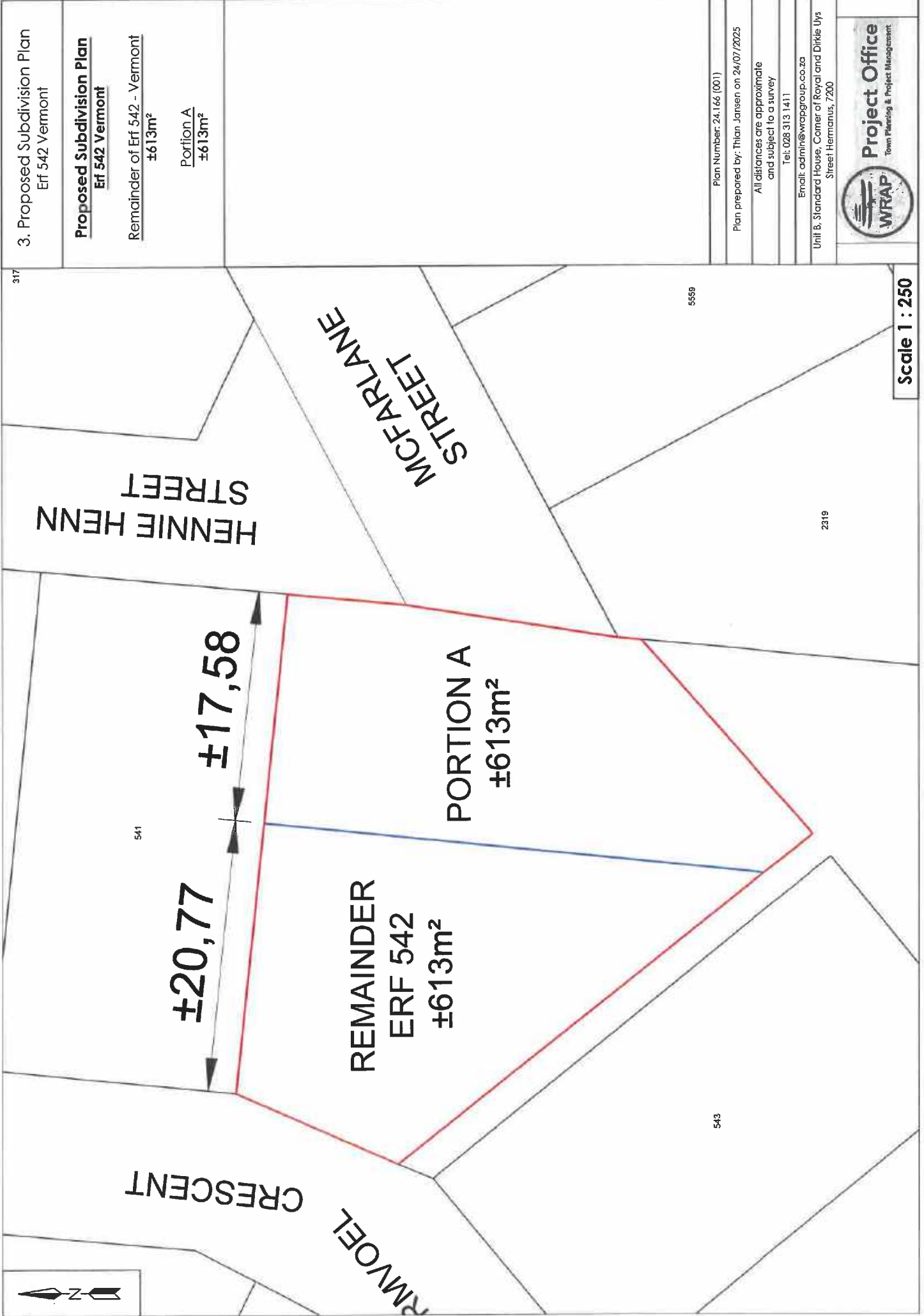
12. RECOMMENDATION

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

- 12.1 Removal of a restrictive title deed condition** to allow the subdivision of Erf 542 Vermont in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 12.2 Subdivision** of Erf 542 Vermont into Portion A, $\pm 613\text{m}^2$, and the Remainder, $\pm 613\text{m}^2$ in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

<p>3. Proposed Subdivision Plan Erf 542 Vermont</p>	<p>Proposed Subdivision Plan Erf 542 Vermont</p> <p>Remainder of Erf 542 - Vermont ±613m²</p> <p>Portion A ±613m²</p>		<p>Plan Number: 24.166 (001)</p> <p>Plan prepared by: Thian Jansen on 24/07/2025</p> <p>All distances are approximate and subject to a survey</p> <p>Tel: 028 313 1411</p> <p>Email: admin@wrapgroup.co.za</p> <p>Unit 8, Standard House, Corner of Royal and Dirkie Uys Street Hermanus, 7200</p>	 <p>Project Office Town Planning & Project Management</p>
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3. Proposed Subdivision Plan
Erf 542 Vermont

**Proposed Subdivision Plan
Erf 542 Vermont**

Remainder of Erf 542 - Vermont
±613m²

Portion A
±613m²

Plan Number: 24.166 (001)

Plan prepared by: Thian Jansen on 24/07/2025

All distances are approximate
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit 8, Standard House, Corner of Royal and Dirkie Uys
Street Hermanus, 7200



Project Office
Town Planning & Project Management

Scale 1 : 250

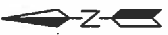
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543



324

Leon Frank & Vennote
 Blok B, BeachHead Office Park
 Niblickweg 10
 Somerset-Wes
 7130

Opgestel deur my

TRANSPORTBESORGER
 MINNIE J

FEE

R...500,00...

DATA / VERIFY

15 APR 2010

TALJAART DEBRA

DATA / CAPTURE

07 APR 2010

---NGAPAI LINDA

TRANSPORTAKTE

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013358 / 10

HIERBY WORD BEKEND GEMAAK DAT

MICHÈLE MARAIS

voor my verskyn het, REGISTRATEUR VAN AKTES te Kaapstad, hy die genoemde
 komparant synde behoorlik daartoe gemagtig deur 'n Volmag aan hom verleen deur

EGONNE KOEKEMOER
 Identiteitsnommer 540426 0100 08 5
 Ongetroud

geteken te TELAVIV, ISRAEL op 9 DESEMBER 2009

En genoemde Komparant het verklaar dat sy prinsipaal, op 2 Desember 2009, waarlik en wettiglik verkoop by Privaat ooreenkoms, en dat hy, in sy voorgenoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van

1. **Die Trustees indertyd van WP SMIT FAMILIETRUST**
Registrasienuommer IT3402/2009
2. **ISABEL MARIA GREYLING**
Identiteitsnommer 551203 0071 08 7
Getroud buite gemeenskap van goed

hulle Opvolgers in titel of Regverkrygendes in volkome en vrye eiendom,

ERF 542 VERMONT,
GELEE IN DIE OVERSTRAND MUNISIPALITEIT,
AFDELING CALEDON,
PROVINSIE WES-KAAP.

GROOT 1226 (EEN DUISEND TWEE HONDERD SES EN TWINTIG) Vierkante
Meter

AANVANKLIK OORGEDRA kragtens Transportakte Nr. T 9843/1948 met kaart
wat daarop betrekking het en gehou kragtens Transportakte Nr. T56632/1998.

- A. **ONDERHEWIG** aan die voorwaardes waarna verwys word in Transportakte Nr T2258/1921.
- B. **GEREGTIG** tot die voordele van die endossement gedateer 16 September 1924 aangebring op Transportakte Nr 2258/1921, welke endossement soos volg lees: -
"By Notarial Deed dated 31st July 1924 (1) Condition (1) in Deed of Transfer No T7685/1913 dated 9th September 1913 re sale of liquor has been cancelled and (2) in said Deed of Transfer No T7685/1913 re water rights have been varied."
- C. **ONDERHEWIG VERDER** aan die voorwaardes gemeld in die Notariële Akte gedateer 11 April 1930 en geheg aan Transportakte Nr T9286/1925 en waarna verwys word in die endossement daarop gedateer 29 April 1930, wat soos volg lees: -
"By Notarial Deed dated 11 April 1930 a restriction has been imposed upon the remainder of the land held hereunder that no liquors shall be sold thereon without the consent of the present or future proprietors of the Property held under Deed of Transfer No T53/1918 dated 5 January 1918 as will more fully appear on reference to the copy annexed hereto."
- D. **ONDERHEWIG VERDER** aan die volgende voorwaarde vervat in Transportakte Nr T2287/1935, welke voorwaarde soos volg lees: -

"Subject to the condition that the present and future proprietors of all erven sold and transferred in the Township of Vermont (as shown on the General Plan No. V34) shall be entitled by means of the existing system of distribution laid down and situate on the said remaining extent of Lot No. 1 of ONRUST RIVER and RHEEZIGT to a reasonable supply of water for domestic purposes if available, provided that the owners of this property shall in no way be responsible to provide water for such purposes if not available and that they shall have the right to impose a reasonable charge, for any repairs and maintenance of the various pipelines and for the use and distribution of the water."

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

- a) Save with the consent of the Transferor Company in writing no buildings or structures or any portion thereof except boundary walls and fences shall be erected nearer than 3,15 metres to the street line which forms a boundary of the said property and no such buildings or structure shall be situate within 1,57 metres of the lateral boundary common to any adjoining lot, nor save with the consent aforesaid, may the said property or any lot if the property sold comprises more than one lot, be subdivided.
- b) No buildings shall be erected on the said property unless plans (including one showing siting of proposed buildings) and specification have been previously submitted and are approved by the transferor company in writing in addition to the requirements of any Local Authority in control over the area of the Township.
- c) No canteen, hotel, restaurant, shop, factory, industry or any place of business whatsoever shall be opened or conducted on the said property except with the consent in writing of the transferor company.
- d) Unless the permission of the transferor company in writing be obtained under condition (c) above the said property shall be used for residential purposes only and only one dwelling together with such outbuildings as are ordinarily required for domestic purposes, shall be erected on any one lot, and in particular, subject to any permission granted as aforesaid, no structure of the type commonly known as "flats" shall be erected on the said property.
- e) The owner of the said property shall be obliged to allow the drainage or sewerage of any other lot to be conveyed over such property if deemed necessary by the Local Authority and in such manner and position as may from time to time be reasonably required by the said Local Authority.

All the conditions (a) to (f) set out above shall be binding on the Transferee and his Successors in Title to the said property but the transferor company reserves the right to sell any other lot or lots in the said Vermont Township free from any one or more of the aforesaid conditions (a) to (d) and/or subject to the other conditions.

After the Transferor Company, Messrs. South Western Districts Land and Finance Corporation Limited has ceased to be the owner of any property under said Deed of Transfer No. T7023/1925 or of any lot in the Vermont Township under any other Deed of Title, the powers of permission and approval vested in the Transferor Company under the aforesaid conditions (a) to (d) inclusive shall be exercisable by the Local Authority for the time being in control of the area of Vermont Township.

The Transferor Company above referred to is the South Western Districts Land and Finance Corporation Limited."

WESHALWE die komparant afstand doen van al die regte en titel wat

EGONNE KOEKEMOER , Ongetroud

voorheen op genoemde eiendom gehad het, en gevolglik ook erken het dat sy geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie en dat, kragtens hierdie akte, bogenoemde

1. Die Trustees indertyd van **WP SMIT FAMILIETRUST**
Registrasienuommer IT3402/2009
2. **ISABEL MARIA GREYLING , Getroud soos vermeld**

hulle Opvolgers in titel of Regverkrygendes, tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en ten slotte erken hulle dat die verkoopprijs die bedrag van **R975 000,00 (Nege Honderd Vyf en Sewentig Duisend Rand)** beloop.

TEN BEWYSE WAARVAN ek, genoemde Registrateur, tesame met die Komparant hierdie Akte onderteken en dit met die ampseël bekragtig het.

ALDUS GEDOEN EN VERLY op die Kantoor van die REGISTRATEUR VAN AKTES te Kaapstad op

19 Maart 2010

In my teenwoordigheid

REGISTRATEUR VAN AKTES

q.q.

33
OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
24 JUL 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Annexure E 1/3

JC & NL Welman
67 MacFarlane street
Onrusrivier
23 July 2025

TP-A Theart
(H Olivier)

Department of Town and Regional Planning

Overstrand Municipality

loretta@overstrand.gov.za

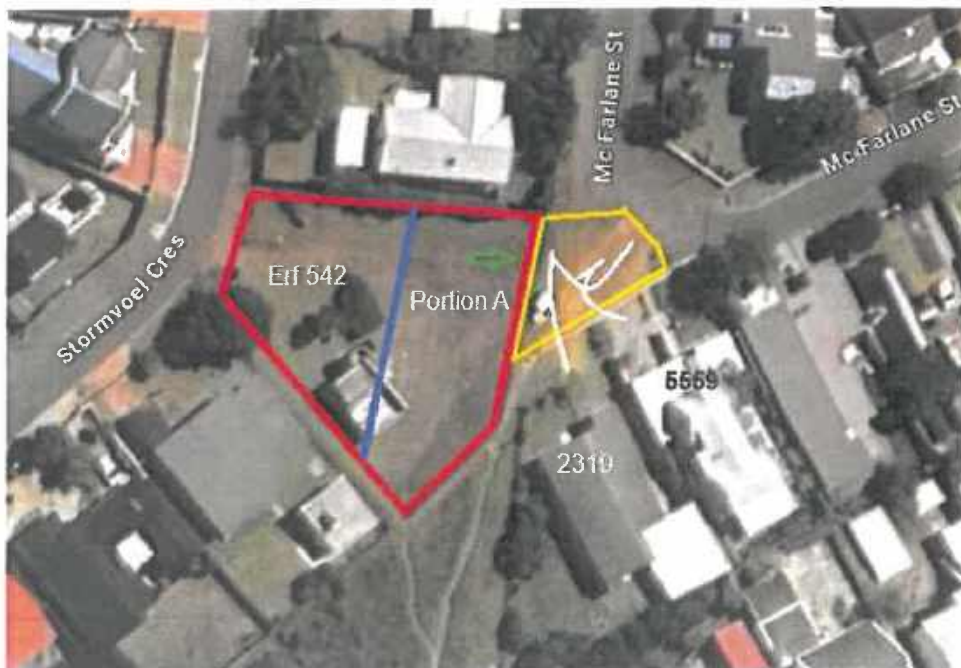
FILE NO.	Erf 542 - HVM
SCAN NO.	
COLLABORATOR NO.	2832728

ERF 542, STORMVOËL CRESCENT 22, VERMONT: COMMENT

To whom it may concern,

As owners of erf 5559, we would like to submit our formal comments regarding the proposed subdivision referenced under "Section 7: Services: Access and Egress" in the application for erf 542, Stormvoël Crescent 22, Vermont.

It has come to our attention that "Portion A" of the subdivision is proposed to have vehicular access and egress via Hennie Henn Street (or McFarlane). We were previously unaware that erf 542 had any form of vehicle access from the Onrus side, and we are concerned that the current proposal formalizes this arrangement, thereby introducing additional local traffic to the area as indicated in the provided sketch with yellow lines.



The municipal land adjacent to this area is currently utilized by the owners of erf 2319 and 5559 as a turning circle to exit the area safely. In addition to regular vehicular use, this space is traversed by many pedestrians heading to the sea via the open field. It is also occasionally used for parking by visitors and workers. Notably, the area in question is unpaved and consists of natural soil. Increased vehicular movement and rainwater runoff are likely to affect the integrity of the surface negatively, resulting in deterioration and potential safety issues for both vehicles and pedestrians.

Given these concerns, we propose that a suitable/safe traffic solution and exit be investigated. Specifically, we suggest that access to Portion A could be facilitated through a designated servitude or a pan handle into Stormvoël Crescent. This would help to disperse traffic flows and alleviate the potential for congestion and conflict at the current access point.

Should access via Hennie Henn Street (or McFarlane) be granted as per the present application, we request that a development condition be imposed requiring the affected area to be properly paved and equipped with appropriate road protection measures. This would help to minimize surface damage and ensure safe access for all users, including residents, visitors, and pedestrians.

We appreciate your consideration of these points and look forward to your response.

Yours sincerely,

JC Welman



NL Welman



Loretta Gillion

From:
Sent: Thursday, 24 July 2025 10:18
To: Loretta Gillion
Cc: #Chris en Nerina Welman
Subject: Comments on Proposed subdivision Erf 542, Stormvoël Crescent, Vermont
Attachments: JC Welman Comment on subdivision.pdf

The Town Planner,
See attached comments.

Regards

Chris Welman Pr.Eng (Ret), PMP(Ret), BSc.Eng.



Project Office

Town Planning & Project Management

Our Reference: 24/166
Your Reference: 542 HVM

11 August 2025

The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus
7200

Attention: Mr H Olivier

OVERSTRAND MUNISIPALITEIT

REKORDBEHEER

12 AUG 2025

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

TP- A Theart
(H Olivier)

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

Your email dated 11 August 2025 concerning an objection dated 23 July 2025 refers.

The objection is addressed below:

1. Existing legal access

The subject property, along with several properties to the north, have legal access to both Stormvoël Crescent and Hennie Henn Street. Some properties have pedestrian access, while others have vehicular access to Hennie Henn Street. According to the Overstrand Public Viewer (GIS), Erf 542 Vermont is officially allocated the street numbers 22 Stormvoël Crescent and 1 Hennie Henn Street (refer to **Figure 1** on the following page).

This confirms that vehicular access from Hennie Henn Street is an existing right. The subdivision will formalise making use of the access point should the subdivision be approved.

FILE NO. Erf 542-HVM
SCAN NO.
COLLABORATOR NO. 2844584

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
ESTD 2002

WRAP Group Established 2002

12 AUG 2025



Figure 1: Street addresses allocated to the subject property
(Source: Overstrand Public Viewer)

2. Nature of the adjacent municipal land

The area referred to by the objector is municipal property zoned *Transport Zone 2: Road and Parking*, intended for access and vehicle movement. It is not privately owned by the owners of Erf 542 Vermont. Maintenance, surfacing, and road safety measures within this municipal land fall under the responsibility of the Municipality, not the owners of Erf 542 Vermont.

3. Pedestrian access clarification

Cadastral records indicate that there is no formal public pedestrian servitude or designated public thoroughfare between Erven 542 and 2319 Vermont leading to the open space. Any current pedestrian use of this area is informal.

4. Impact of the subdivision

The subdivision will allow the owners to utilise their property to its full, lawful extent by utilising their existing Hennie Henn Street access. The proposal is to formalise their access to create a safer access point to one of the subdivided properties. The additional erf will generate bulk infrastructure contributions to be made by the owners. The Municipality may, at its discretion, allocate such funds toward surfacing or improving the adjacent municipal road area if it is deemed necessary.

5. Traffic and safety considerations

Given that the property already has the access in question and the zoning of the municipal land accommodates such use, the proposal will not introduce significant additional traffic beyond what is reasonable for the area's residential capacity.

The Municipality retains the authority to implement traffic calming, paving, or other protective measures within its road reserve if operational needs arise.

The concerns raised in the objection largely relate to the condition and management of municipal land, which falls outside the scope of this subdivision application. The proposed subdivision does not create a new vehicular access point, does not infringe on public pedestrian rights, and complies with the zoning and land use parameters applicable to the site. It is therefore respectfully recommended that the application be approved as submitted.

Yours faithfully

V JANSEN
PROFESSIONAL TOWN PLANNER (A/3184/2022)

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS &
SUBDIVISION: ERF 542, VERMONT (4990/2025)**

Stormwater (SW)	:	Refer to conditions
Electricity	:	Eskom Area
Water	:	Refer to conditions
Sewer	:	Refer to conditions
Roads and traffic	:	Refer to conditions

Conditions:

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

1.1 Developments containing Sectional Title Units/ Commercial Buildings (non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

1.2 Developments with free standing properties (property that is subdivided and plots to be sold individually).

The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (**2024/2025**) is as follows:

Freehold erven:

Water	R 27 598.00 x 1	=	R 27 598.00
Sewerage	R 19 725.00 x 1	=	R 19 725.00
Roads	R 8 845.00 x 1	=	R 8 845.00
Stormwater	R 10 205.00 x 1	=	R 10 205.00
Solid Waste	R 1 769.00 x 1	=	<u>R 1 769.00</u>
TOTAL (inclusive of VAT)		=	R 68 142.00

Please note that the above figures:

- a) are estimates
- b) do not include investigation and connection fees
- c) are subject to annual tariff adjustments

2. that the existing water connection to Erf 542 shall be used to service the proposed Portion A or the Remainder of Erf 542;

3. that any part of the existing water and sewer services on Erf 542 that crosses the common boundary of Portion A and the Remainder of Erf 542 shall be disconnected and sealed off;
4. that both the Remainder and Portion A of must be serviced with individual and separate water connections which must comply with the standards of the Division: Civil Engineering Services;
5. that the proposed Portion A and Remainder of Erf 542 must each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Division: Civil Engineering Services, and to which the sewer services of the individual erven must connect to;
6. that the developer must 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 on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Division: Civil Engineering Services;
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 owners cost, if required.


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

23/06/2025
DATE