



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

A G E N D A

**DATE:
VENUE:
TIME:**

**14 SEPTEMBER 2026
VIRTUAL
10:00**

OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT
Civic Centre
HERMANUS
7200

4 September 2026

TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

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

NOTICE IS HEREBY GIVEN that a **Special Municipal Planning Tribunal (MPT)** meeting will be held virtually on **Monday, 14 September 2026** at **10:00** to consider the attached agenda.

S MULLER
CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL

Distribution:

1. Mr S Müller (Chairperson)
2. Ms T de Waal (Vice-Chairperson)
3. Mr H Blignaut (Member)
4. Ms R Louw (Member)
5. Mr R Kuchar (Authorised Official)
6. Mr S van der Merwe (Principal Town Planner)
7. Ms H van der Stoep (Principal Town Planner)
8. Mr B Minnaar (Town Planner)
9. Secretariat



SPECIAL MUNICIPAL PLANNING TRIBUNAL (MPT)

14 September 2026

I N D E X

ITEM

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APPLICATIONS FOR LEAVE OF ABSENCE

3.1	ERF 12308, 37 FLOWER STREET, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURES AND AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF MEDBUILD PROPERTIES (PTY) LTD	1
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1. OPENING

2. APPLICATIONS FOR LEAVE OF ABSENCE

3. ITEM FOR CONSIDERATION

**3.1 ERF 12308, 37 FLOWER STREET, WESTCLIFF, HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURES
AND AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN:
MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF
OF MEDBUILD PROPERTIES (PTY) LTD**

Report attached

3.1

ERF 12308, 37 FLOWER STREET, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURES AND AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF MEDBUILD PROPERTIES (PTY) LTD

12308 HWC (5036/2025)

B Minnaar

(028) 313 8900

Hermanus Administration

2 September 2026

1. EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), has been received on 10 July 2025 from Messrs Plan Active Town and Regional Planners on behalf of Medbuild (Pty) Ltd, the owner of Erf 12308, Hermanus (Westcliff) for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the western building line (along the common boundary between Erven 11154 and 12308) from 5m to 0m to accommodate a medical building;
 - relax the street building line on a portion of the northern boundary abutting Fourie Street from 5m to 0m to accommodate the medical building, and
 - relax the street building line on a portion of the western boundary abutting Fourie Street from 5m to 0m to accommodate the medical building.
- ❖ **Amendment of the approved Site Development Plan** in terms of Section 16(2)(l) of the By-Law to accommodate the amended setback of the medical building.

Revised motivational report was submitted on 9 June 2026 and the revised SDP was submitted on 8 July 2026 with a reduced impact on the surrounding property owners therefore, the application was not re-advertised and reads as follows:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the south-western building line (along the common boundary between Erven 11154 and 12308) from 5m to 1.935m on the first floor to accommodate a medical building;
 - relax the north-western street building line (short extension of Fourie Street onto Erf 12308) from 5m to 1.4m on the first floor and 5m to 0m on the ground floor to accommodate the medical building, and
 - relax the south-western street building line (short extension of Fourie Street onto Erf 12308) from 5m to 0m on the ground floor to accommodate the medical building.
- ❖ **Amendment of the approved Site Development Plan** in terms of Section 16(2)(l) of the By-Law to accommodate the amended setback of the medical building.

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, and the Site Development Plan is attached as Annexure C.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 12308 is situated in Westcliff, Hermanus with an extent of 7342m². The property is zoned Community Zone 1: CO1 (Community Facilities) and is currently vacant. Erf 12308 has an existing approval for an institution restricted to medical related facilities. The development is further restricted to a height of two (2) storeys, a coverage of 60% and that a portion of the property is earmarked as open space / garden in order to protect an endemic specie, the Kukumakranka. The aforementioned restrictions were carried over into the conditions of approval from the applicable tender SC2331/2022.

The intention of this application is to increase the development extent to 60% coverage as well as to establish a linkage between the existing medical facility located on Erf 11154 and the proposed new medical development on Erf 12308. Subsequently an application for departure of the applicable street and lateral building lines have been submitted together with an application for the amendment of the approved site development plan.

4. SUMMARY OF APPLICANT'S MOTIVATION

The motivation of the applicant is attached as Annexure C for detailed information.

The following is a summary of the applicant's motivation:

- Erf 12308 Hermanus is zoned Community Zone 1, with an approved consent use for Institutional purposes, aligning with its intended use for a medical facility. The surrounding area comprises a mix of land uses, including properties zoned for single residential, institutional purposes, and public roads. This zoning context supports the integration of the proposed development into the broader urban fabric.
- The proposed development will accommodate a range of health-related services, including but not limited to:

Ground Floor:

- Reception and Administration (267m²)
- Pharmacy (183m²)
- Consulting Rooms – North (492m²)
- Consulting Room – South (210m²)
- Radiology (508m²)
- Pathology (71m²)
- Coffee Shop (16m²)
- Circulation and Public Toilets (387m²)
- Services (361m²)

First Floor:

- Oncology (612m²)
- Day Ward (207m²)
- 12 Bed CCU & HCU (624m²)
- Theatres (1 347m²)
- Medical (442m²)
- Surgical Unit (657m²)
- Circulation and Public Toilets (479m²)

- The development will contribute meaningfully to the consolidation and expansion of the existing medical precinct in this part of Hermanus. The surrounding land uses reflect a predominantly institutional and residential character, including old age homes and frail care facilities (Fynbosspark, Huis Lettie Theron, and SOFCA); the South African National Space Agency (SANSA); Hermanus MediClinic, Hermanus Medical Centre, and Hermanus Provincial Hospital; guesthouses and backpacker accommodation; single residential dwellings; and public roads and open spaces.
- The proposed development consists primarily of a ground floor and a first floor. A small second-floor plant room forms part of the building to accommodate mechanical and engineering services for the medical facility. This plant room does not constitute habitable floor space and is limited in extent. The purpose of the proposed building line departures is to facilitate developmental integration between the existing Hermanus Medical Village on Erf 11154 and the planned medical facility on Erf 12308 Hermanus. To enable this integration, the new medical building is proposed in close proximity to the south-western lateral boundary shared between the two properties, and up to or close to specific portions of the street boundaries adjacent to the short extension of Fourie Street onto the property.
- It seeks approval for departures from the prescribed five metre building line applicable to three specific boundary portions of Erf 12308 Hermanus, as reflected in the revised architectural plans.

Departure	Boundary	Prescribed Building Line	Proposed Departure	Description
(a)	South-western lateral boundary — common boundary between Erf 12308 and Erf 11154 Hermanus	5m	1.935m For 1 st floor No departure for ground floor	The building on the first floor is set back 1.935m from the south-western lateral boundary shared with Erf 11154 (Hermanus Medical Village). No departure required for the ground floor
(b)	North-western street boundary — short extension of Fourie Street onto Erf 12308 Hermanus	5m	1.4m for 1 st Floor 0m for ground floor	The building is set back 1.4m from the north-western street boundary, being the short extension of Fourie Street onto the property.
(c)	South-western street boundary — short extension of Fourie Street onto Erf 12308 Hermanus	5m	0m for 1 st and ground floor	A section of the building is constructed directly to the south-western street boundary of the short Fourie Street extension onto the property, with no setback.

- No further building line departures are sought. All other building lines applicable to Erf 12308, Hermanus are complied with, and the building is set back in accordance with the prescribed five metre building line along all other boundaries.
- Furthermore, application is also submitted for the amendment of the Site Development Plan in terms of Chapter 4, Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020, to make provision for the amended setback of the building.
- All the endemic plant species, the Koekemakranka bulbs, which determined the position of the proposed building, have been removed from the erf by the Environmental Officer at the Overstrand Municipality. Due to the removal of these endemic plants, the building setback from the south-western portion can be reduced as indicated on the revised Site Development Plan.

- The proposed building line departures are not anticipated to negatively impact surrounding neighbouring properties. The primary departure, departure (a), relates to the common boundary between Erf 12308 and Erf 11154, Hermanus. This linkage has been planned, and the design reflects a coordinated approach between the two erven. The 1.935m setback along this boundary allows for a connection while maintaining a physical separation between the structures.



PERSPECTIVE VIEW: NORTH WEST CORNER



PERSPECTIVE VIEW: SOUTH EAST CORNER

- Access to Erf 12308, Hermanus will be maintained via the existing, approved entrance from Flower Street. No additional access points or changes to the current ingress and egress configuration are proposed as part of this application, which is limited to building line departures.

- The parking layout is as follows:

PARKING:		
	REQUIRED:	PROVIDED:
1/BED: 50 HOSPITAL BEDS 16 CHEMO BEDS	66	66
CONSULTING SUITES 4/CS: 10 CONSULTING ROOMS	40	40
PHARMACY 4/100m ² :	7	7
COFFEE SHOP 4/100m ² :	1	1
ADMISSIONS AND ADMINISTRATION 4/100m ² :	15	16
PATHOLOGY 4/100m ² :	3	3
ADDITIONAL PARKING:		1
TOTAL:	129	130
PARKING FOR DISABLED 20% OF REQUIRED:	26	

- No additional land use rights are being applied for as part of this application, which is limited strictly to the proposed building line departures as outlined above.
- A review of the title deed registered under T1855/2025 for Erf 12308, Hermanus confirms that there are no conditions or restrictions prohibiting the proposed building line departures and amendment of the SDP. There is no bond registered over the property.
- Given that this application does not involve any change in land use or intensification beyond what has already been approved but rather seeks approval for building line departures and the amendment of the SDP only, the provisions and densification guidelines of the OMGMS are not directly applicable in this context. The proposed building line relaxations remain consistent with the intent of the SDF and the strategic planning objectives of spatial integration and consolidation within the Hermanus medical precinct.
- The proposed building line departures and amendment of the SDP will not result in any significant impact on the biophysical environment. Erf 12308, Hermanus is located within an urban setting and is currently a vacant, previously disturbed site with no sensitive ecological features, protected vegetation, or watercourses present. All necessary environmental considerations were assessed and addressed during the prior land use application process. As this application only pertains to building line relaxations and amendment of the SDP within an approved development footprint, no further biophysical impacts are anticipated.

SPLUMA Planning Principles

- **Spatial Justice:**
 - By promoting improved access to medical services in close proximity to existing healthcare infrastructure, the development supports equitable access to essential services for all members of the community.
- **Spatial Sustainability:**
 - The proposal optimises the use of urban land within the existing urban edge, avoids urban sprawl, and utilises available infrastructure efficiently.
- **Efficiency:**
 - The integration of medical facilities through the building line departures and amendment of the SDP enhances operational efficiency and functional connectivity between the two erven, maximising land use in a coordinated and cost-effective manner.
- **Spatial Resilience:**
 - The proposal contributes to the long-term adaptability of Hermanus' healthcare infrastructure by enabling a flexible and integrated medical precinct.
- **Good Administration:**
 - Plan Active is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time-efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's by-law and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	14 November 2025	19 December 2025
Notices	Yes	12 November 2025	19 December 2025
Internal Departments	Yes	12 November 2025	19 December 2025
Ward councillor	Yes	12 November 2025	19 December 2025
Total comments	ONE (1) OBJECTION – (withdrawn)		
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
Operational Services Department	12/11/2025	No objection, however, there is a rare plant situated on the property so Environmental will have to give their input.
Building Control Department	12/11/2025	No objection. All buildings to comply with the NBR and all other applicable law.
Waste Management	16/11/2025	No objection.
Property Administration	24/11/2025	See Annexure D.
Electrical Department	25/11/2025	The Electrical department does not have any objection towards the development. The Bulk infrastructure upgrade costs and infrastructure installation costs was discussed with the project electrical consultant.
Fire Department	01/12/2025	No objection subject to compliance with the provisions of SANS 10400-A, SANS 10400-T:2024 and the By-Law relating to fire safety.
Environmental Management Services Department	18/12/2025	No objection. See further information attached as Annexure E.
Engineering Services Department: Services Report.	12/01/2026	Refer to Services Report (attached as Annexure F).
Legal Department	01/06/2026	See Annexure G.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

The application was advertised in the local newspaper; notices were e-mailed to surrounding residents in the area and the applicant's consultant also placed on-site notice board during the public participation period.

One (1) objection was received during the public participation process. After a meeting was held on 22 January 2026 with the objector, applicant and the municipality, the objection was subsequently withdrawn on 22 January 2026. See the objection and further correspondence attached as Annexure H.

Internal comment from Property Administration Department, Environmental Management Services Department as well as Legal Services Department has been provided with specific reference to the endemic plant specie, the Kukumakranka, and the relevant "no-go" area.

After the comment was received from the Legal Services Department it was requested that the applicant formally appoint the Botanical Specialist (Dr. Mark Berry) (attached as Annexure I), who then provided their feedback that was supported by the Environmental Management Services Department. The comment is as follows:

Property Administration Department's comment:

"Erf 12308 Hermanus was sold by means of a tender process. The tender specifications specifically mentioned a no-go area stipulating that this area should be earmarked as an open space area/garden and that the bidder shall not be allowed to develop, build on or disturb the area. This condition was also included in the Deed of Sale. This area is indicated on the attached locality plan.

As the property was made available by means of a tender process with the specific condition that no development be allowed on the area, we cannot support the amendment of the SDP to include any development on the area, even though the plants have been relocated, as this was a specific condition stipulated in the tender specifications. One can argue that should this condition not have been included in the specifications or should it have been known that the plants could be relocated, and the area be developed, more parties could have been interested and would have tendered for the purchase of the property.

Changing a specific development condition afterwards or allowing development on an area which was specifically excluded for development in the tender specifications it can be argued that the Municipality is not transparent, fair, or equitable in their tender processes.

Therefore, the amendment of the SDP to include any development over the indicated area cannot be supported."

Response by the Environmental Management Department:

The report below was compiled by Lulutho Mancunga from the Overstrand Environmental Management Services Department.

"Introduction

This report outlines the process followed in response to a request from the developers of Erf 12308 Hermanus, Medbuild Properties (Pty) Ltd, for guidance regarding the presence of a rare bulbous plant species, Kukumakranka (Gethyllis sp.), historically recorded on the site earmarked for the development of a hospital.

The purpose of this report is to document the application of the precautionary principle in addressing potential environmental concerns and ensuring due diligence in plant conservation during development planning.

Background

Medbuild Properties (Pty) Ltd, represented by Mr. Jaco Claassens, approached the Environmental Management and Conservation division to request environmental guidance regarding Erf 12308 Hermanus. The concern was the possible presence of the rare bulbous plant known as Kukumakranka (Gethyllis sp.), which had reportedly been sighted on a section of the site some years ago.

The property in question, Erf 12308, Hermanus, measures 452.5 square meters and is located within the municipal boundary of Hermanus. The developers requested collaboration with our office to identify and if necessary, relocate any protected or indigenous bulbous plants prior to the commencement of development.

Actions taken

Information Gathering

- *Contact was made with the Hermanus Botanical Society, specifically Dr. Pat Miller, for background on the original sighting. Feedback confirmed the past observation but highlighted the challenge of identifying the species due to its brief and sporadic flowering cycle.*

Expert Recommendation

- *Following internal discussions and the feedback from Dr. Miller, the developers were advised to consult with a bulb-specialist botanist.*
- *Ms. Aplon then requested my assistance (Lulutho Mancunga) in sourcing a suitable bulb specialist who could support the investigation.*
- *Dr. Mark Berry was recommended based on advice from the Compton Herbarium (SANBI). While not formally appointed by the developer, Dr. Berry responded as a courtesy and provided preliminary advice based on available records.*

Specialist Feedback

- *On 20 August 2025, Dr. Berry advised that only *Gethyllis afra* is known to occur in the Hermanus area. This species is not listed as threatened, nor is *Gethyllis villosa*, which is found further east in the Overberg region.*
- *Dr. Berry therefore indicated that, from a conservation standpoint, there was no significant concern, although he could not issue formal documentation as he was not commissioned by the developers.*

On-site Survey Arrangement

- *Medbuild Properties contracted Robin Garden Services (Contact: Robin) to undertake a manual bulb identification and collection process within the demarcated area of Erf 12308 Hermanus.*
- *A quote for the work was accepted by the developers on 3 September 2025.*

Site Visit

- *A site visit was conducted by Ms. Penelope Aplon and myself on 3 September 2025 to inspect the area and ensure alignment with conservation protocols.*

Plant Collection and Identification

- *Robin Garden Services began working through the area and collected various bulbous plant specimens, which were stored in bags for identification.*
- *On 8 September 2025, the collected specimens were retrieved by Ms. Aplon.*
- *The specimens were then documented by me and sent to Dr. Berry for identification.*
- *On 9 September 2025, Dr. Berry identified the species as follows:*
 - *Pelargonium triste*
 - *Trachyandra ciliata*
 - *Eriospermum sp.*
 - *Haemanthus sanguineus*

These plants were not classified as rare or threatened and are indigenous to the region.

Transplantation of Bulbous Plants

- *Site identification and selection was undertaken by Ms. Penelope Aplon. The chosen location is a section of the coastal greenbelt off Erika Street in Sandbaai, Hermanus. This site was selected based on its environmental suitability - specifically, compatible soil conditions and microhabitat characteristics conducive to the survival of the plants, as well as its potential to support ongoing ecological restoration efforts in the area.*
- *On 19 September 2025, Ms. Aplon, Ms. Heloise Fortune and I conducted a visit to the selected transplant site. We met with Robin Garden Services, responsible for the replanting, at a predetermined location and accompanied them to the site. At the site, we were joined by Ms. Leentjie van Schalkwyk, a local resident who regularly assists with the maintenance of the greenbelt areas.*
- *Transplanting commenced and was completed on 19 September 2025, carried out by Robin Garden Services.*

Conclusions

- *No confirmed Kukumakranka (Gethyllis) specimens were found during the survey.*
- *The bulbous species identified are indigenous but not of conservation concern.*
- *All collected bulbous specimens were successfully transplanted to a suitable, identified relocation site.*
- *The process followed demonstrates the application of the precautionary principle, with all reasonable steps taken to assess and mitigate potential impacts on local flora prior to development.*

Photographic Documentation

The following images serve as a visual record of the bulb identification and transplantation process undertaken. The first group of images captures the bulbous plant species identified during the assessment, while the second set documents the selected transplantation site and the commencement of replanting activities carried out by Robin Garden Services."

Images below show the plant specimens collected during the on-site survey and later identified by Dr. Mark Berry.



Trachyandra ciliata



Pelargonium triste



Eriosperrum sp.



Haemanthus sanguineus

Images below document the selected transplantation site within the coastal greenbelt off Erika Street, Sandbaai, as well as the replanting process undertaken by Robin Garden Services.





Initial Response by the Legal Services Department:

1. *We cannot, subsequent to the award, amend the tender specifications.*
2. *I agree with the comment from Property Admin that the condition remains applicable, despite the apparent removal of the plant.*
3. *In this instance, it is also not a case of merely cancelling the agreement and re-advertising the tender with this condition being excluded, because transfer of immovable property has taken place. The cost of trying to unscramble that egg, I would argue, is in no-one's best interest.*

So, to answer your questions:

1. *Yes, the condition contained in the tender and sale agreement remains valid, even in the absence of a visible kukumakranka on the premises.*
2. *No, the developer cannot build over the no-go area despite the absence of the relevant plant.*

On a sidenote, and without knowing the exact extent of the planned development, I mention the following two aspect:

- 1. Even in the absence of a physical plant, the nature of bulbous plants is that they sprout bulbs which are not necessarily extracted when a plant is removed. These bulbs can remain dormant underground until perfect conditions arise at which time the plants can resprout.*
- 2. An argument can be made that even a structure which is not physically attached to the ground, such as a sky-bridge, will have a direct impact on the ground: either by way of trampling during the construction process, and / or due to the accompanying change in natural conditions, such as decreased natural day light (i.e. longer periods of shade). The way in which the condition is written will therefore also inform what development can take place above the no-go area, even where the structure is not affixed to the ground. In this regard the wording: "The successful bidder shall not be allowed to develop, build on **or disturb** the area where the protected plant species are present. "Again, the use of the word "disturb" in conjunction with the specific reference to "develop" and "build on", suggests that the intention of the condition was to provide protection to an extent wider than merely building on the no-go area.*

Second Response by Legal Services Department:

"The captioned matter, previous correspondence, and meeting of 10 April 2026 at the MM's Boardroom, have reference.

I previously stated my agreement with the comments of Property Administration regarding the proposed development of an area of Erf 12308 which was indicated in tender SC2331/2022 as a "no go area" due to the presence of an endemic plant species known as the "kukumakranka". I still hold the views expressed in my letter dated 31 March 2026.

Notwithstanding the foregoing, and having considered the comments from the Environmental Services Department as per the report of 25 September 2025, the following is clear:

- 1. An extensive analysis of Erf 12308 ("the premises") was conducted during August and September 2025 to determine the presence of kukumakranka.*
- 2. Input was obtained from various experts, most notably Dr Pat Miller (Hermanus Botanical Society) and Dr Mark Berry (Compton Herbarium - SANBI).*
- 3. A manual bulb collection and identification process was then conducted. The manual collection process was overseen by officials from the municipality's Environmental Services Division to ensure compliance with conservation protocols.*
- 4. The specimens which were collected, were sent to Dr Berry for identification.*
- 5. Various bulb species were identified, but notably no kukumakranka.*
- 6. None of the bulb species which were collected are classified as either rare or threatened.*
- 7. Transplantation of the bulbous plants to an identified site was then completed.*

It is clear from the foregoing that no kukumakranka was found on the premises, specifically not in the "no go area" as part of the assessment.

Furthermore, it is important to note that the identification and designation of the "no go area" is not registered against the title deed of the premises. Rather, it was included as a tender specification and subsequently included in as a condition in the sale agreement of the premises. However, if the current owner were to sell the premises and not record the condition in such sale agreement, the protection offered by the

tender specifications and subsequent sale agreement would no longer exist and would Overstrand Municipality have no recourse to insist on its inclusion.

Turning to consideration of the tender specifications as captured in the sale agreement, the relevant provision reads as follows:

Clause 5.8 of the tender specifications:

No Go Area

An endemic plant species, the kukumakranka is found on the south-western corner of the property. The successful bidder shall not be allowed to develop, build on, or disturb the area where the protected plant species are present. This area is and should be earmarked as an open space / garden area. See area indicated on Annexure "C."

Clause 18.5 of the tender specifications:

An endemic plant species, the kukumakranka is found on the south-western corner of the property. The PURCHASER shall not be allowed to develop, build on, or disturb the area where the protected plant species are present as indicated on the locality map attached as per Annexure "A."

Clause 18.8 of the sale agreement between Overstrand Municipality and Hunta:

18.8. An endemic plant species, the kukumakranka is found on the south-western corner of the Property as indicated as a "no go area" an "Annexure G". The PURCHASER shall not be allowed to develop, build on or disturb the area where the protected plant species are present, without the prior written approval being obtained from the SELLER and all other relevant authorities. This area is and should be earmarked as an open space / garden area.

Clause 16.2.8 of the sale agreement between Hunta and Medbuild:

16.2.8. An endemic plant species, the kukumakranka is found on the south-western corner of the Property as indicated as a "no go area" an "Annexure F". The PURCHASER shall not be allowed to develop, build on or disturb the area where the protected plant species are present, without the prior written approval being obtained from the Overstrand Municipality's and all other relevant authorities. This area is and should be earmarked as an open space / garden area.

*All the clauses quoted above contain the same proviso, i.e. "The PURCHASER shall not be allowed to develop, build on, or disturb the area **where the protected plant species are present** [...]" However, in respect of the tender specifications, this condition is absolute and refers to an area indicated on a locality map. In the case of the sale agreements, the reference to the locality map has been replaced by the following phrase: "[...] without the prior written approval of Overstrand Municipality and all other relevant authorities."*

In the circumstances, I see no reason to deviate from the tender specification as captured in the sale agreements. For present purposes, there appears to be no conflict between the two. What appears clear from the foregoing, is that an extensive assessment was conducted to determine whether kukumakranka is present on the premises, in particular in the "no go area". This has been answered in the negative.

As such, the phrase "where the protected plant species are present" can be interpreted to mean that, where the protected plant species are NOT present, the "no go area" does not apply. Therefore, although designated as a "no go area" the underlying causa for the earlier determination no longer exists.

*In the matter of Dr JS Moroka v Bertram, the court stated as follows (at paragraph 10): "Essentially it was for the municipality, and not the court, to decide what should be a prerequisite for a valid tender, and a failure to comply with prescribed conditions will result in a tender being disqualified as an 'acceptable tender' under by the Procurement Act unless those conditions are **immaterial, unreasonable or unconstitutional**."*

Where the plant species sought to be protected by a tender specification is not present in the area where protection was offered by such specification, it can be argued that enforcement of such specification is unreasonable or that the specification has become immaterial.

Nevertheless, the inclusion in the sale agreement(s) which allow for development on the "no go area" subject to prior written approval by Overstrand Municipality and all other relevant authorities strikes a neat balance which allow both for the enforcement of the tender specification while ensuring that "immaterial" / "unreasonable" specifications are not enforced.

It is, therefore, recommended that the applicant submits its application to develop on/over the "no go area", that the application be considered by Overstrand Municipality and that inputs from "all relevant authorities" (which is likely to include an environmental impact assessment) be obtained."

Botanical Comment by Dr. Mark Berry:

"The botanical comment below was requested by Mr Jaco Claassens of Coza Investments (Pty) Ltd. Mr Claassens asked for an independent botanical survey to determine if any Gethyllis afra (kukumakranka) plants are present on site. The undersigned who were briefly accompanied by Mr Claassens visited the site on 13 August 2026. According to the latter, kukumakranka plants were originally found inside an area encircled by rocks. Special attention was paid to this area. However, the rest of the property was also scanned for plant species of interest or importance. The property, which is located in the centre of Hermanus, has been earmarked for a hospital development. Please note that the undersigned will not accept liability for any loss or damage arising from this comment.

Biodiversity Planning Context:

The site is located inside a heavily transformed/modified urban environment, surrounded by a residential area and hospital. The 2018 Vegetation Map of South Africa has mapped the vegetation that originally occurred here as endangered Overberg Sandstone Fynbos (Figure 1). Threatened plant species data suggest that invasive species, overgrazing and changed fire regimes are notable threats of the vegetation type 1. The site also falls inside the Western Cape biodiversity network, with a large part mapped as a degraded terrestrial critical biodiversity area (CBA2) (Figure 2). The edges of the site were incorrectly mapped as a terrestrial critical biodiversity area (CBA), suggesting that relatively undisturbed fynbos is still present here. The person(s) responsible for the biodiversity network (CBA) map probably took a cautionary approach by assuming that Overberg Sandstone Fynbos could still be present on site.



Figure 1: Extract of the 2018 SA Vegetation map.



Figure 2: Extract of the Western Cape biodiversity network map.

Findings:

The site is highly transformed/modified, with only a few indigenous shrub and geophyte species noted here and there (Figure 3). The site, which resembles a public park or grassland, is predominantly covered by grasses and weeds. Indigenous species recorded include *Searsia lucida*, *Delosperma littorale*, *Carpobrotus edulis*, *Drosanthemum intermedium*, *Pelargonium triste*, *Oxalis obtusa*, *Trachyandra ciliata*, *Bulbine annua*, *Haemanthus sanguineus* and *Romulea rosea* (Figure 4). *Trachyandra ciliata* is especially common. A few species are worth salvaging (for replanting in a suitable receiving area), such as *Carpobrotus edulis*, *Pelargonium triste*, *Trachyandra ciliata*, *Bulbine annua* and *Haemanthus sanguineus*. With regards to the possible presence of *Gethyllis afra*, no evidence of this species was found. The dominance of grasses and weeds makes detection very difficult or impossible as it is not currently in flower. It flowers from November to January. It will then be recognized by its conspicuous white flowers which are carried close to the ground. At other times of the year its slightly twisted leaves may be detected. The area encircled by rocks revealed a sandstone outcrop populated by the vygie *Delosperma littorale*. The site revealed only one Species of Conservation Concern, namely *Babiana nana* ssp. *maculata*. It is listed as Near Threatened and was recorded by another observer close to the northern boundary of site2. Otherwise, the site does not present a suitable habitat for threatened species.



Figure 3: Typical view of site mainly populated by grasses and weeds.

Conclusion:

The site is highly transformed or modified by past anthropogenic activities and does not accommodate significant 'indigenous vegetation' as per definition, despite the presence of a few indigenous shrub and geophyte species. It is also unlikely that any threatened species, other than Babiana nana ssp. maculata, will occur here for the above reason. Also, no evidence of the presence of Gethyllis afra (kukumakranka) was found. The closest known (iNaturalist) record of the latter is in Fisherhaven, north of Hawston. With regards to mitigation (if the site is to be developed), it is recommended that suitable plants be salvaged for replanting in a suitable area where it can be protected."

Response on the Botanical Comment by Environmental Management Services Department:

"The Environmental Division hereby has no further comments and agrees with the



Figure 4: A few indigenous species recorded on site, with *Bulbine annua* (top left), *Delosperma litorale* (top right), *Searsia lucida* (bottom left) and *Drosantherum intermedium* (bottom right).

botanical report."

Response by Town Planner:

The main concern relating to the amendment of the SDP relates to the no-go area indicated in the specification of the tender documentation (SC2331-2022).

The Property Administration Department stipulates that they do not support the amendment of the SDP since the specific conditions of tender stipulate that no development be allowed on the area indicated as the no-go area. The Legal Services Department seconds the notion that compliance to the tender specifications must be adhered to.

Property Administration Department goes further to state that if the condition was not included in the tender specifications, the bids received may have altered the outcome of the successful bid submission. Changing a specific development condition afterwards or allowing any development over the area excluded from the tender specifications could be argued that the municipality is not transparent fair or equitable in their tender process.

The Legal Services Department in their initial response agrees with the Property Administration Department that the tender specifications cannot be amended subsequent to the award of the said tender (SC2331-2022).

In the second response provided by the Legal Services Department, they stipulate that they still hold their views expressed in the initial comment provided. However, it is revealed that the condition in the specific tender specifications stipulate that the plant species (kukumakranka) **is** found on the south-western corner of the property and is indicated as a no-go area. Furthermore, Clause 5.8 of the tender Specification stipulates that where the plant species **are present**, the developer may not be allowed to develop or disturb that area.

The findings of the Botanical Specialist (Dr. Mark Berry) stipulate that there is no evidence of the presence of Gethyllis afra (kukumakrnka) on the subject site, however, there was evidence of presence of only one species of conservation concern, namely Babiana nana ssp. Maculata. This species was recorded by another observer close to the northern boundary of the site. The botanical specialist further stipulated that the site does not present a suitable habitat for threatened species. The recommendation of the botanical specialist is that if the site is to be developed, then that suitable plants be salvaged for replanting in a suitable area where it can be protected.

The Environmental Management Services Department agrees with the Botanical Specialist and has no objection with regards to the proposed application.

With the abovementioned said, it is clear that the plant species (kukumakranka) is not found on the subject site. With the comment provided by the Legal Services Department one can argue that the plant is not found in the no-go area and therefore the conditions relating to the no-go area is moot. Subsequently, the condition that has become moot and the further development can be constructed over the “no-go” area.

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 considered consistent in the following manner from a town planning perspective:

Spatial Justice

The application will not perpetuate spatial development injustices. The application proposes an addition to a medical development which has not been

earmarked for residential development. Therefore, the application is considered in line with the principle of spatial justice.

Spatial sustainability

The application is located within the urban edge and will not lead to urban sprawl. The kukumakranka plan species has been identified on-site in the tender documentation (SC2331-2022), however, a botanical specialist (Dr. Mark Berry) confirmed there is no presence of the plant on site which has been supported by the Environmental Management Services. The proposal is therefore in line with the principle of spatial sustainability.

Efficiency

The proposed amendment of the SDP enhances the efficiency, flow and integration of both medical sites which maximises the functional capability of both erven.

Spatial resilience

The proposed development ensures that the medical related facilities contribute to long-term adaptability of the Hermanus healthcare infrastructure. This allows for a flexible and an integrated medical precinct.

Good administration

The application followed the required planning procedures, and the required 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 Point 10.2 above.

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

The existing development approval for a medical facility is already in line with the spatial planning for the area. The amendment of the SDP to increase the functionality and service provision which remains in line with the future planning for the area.

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

N/A

10.6 Impact on municipal engineering services

No additional land uses are proposed, only the increase of the development extent is proposed within the allowable specifications of the tender documentation (SC2331-2022). Therefore, no additional services are required beyond the services already accounted for in the previous approved land use planning application.

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

The application does not trigger any listed activities in terms of Local or National legislation as confirmed by the Environmental Management Services Department.

10.8 Existing and proposed zoning comparisons and considerations

The building line departures applied for to enlarge the extent of the existing approved development is permitted in the of the By-Law and the Land Use Scheme. Furthermore, the amendment of the existing approved SDP has been applied for in order to accommodate the additional building line departures.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

There are no restrictive clauses registered against the title deed of the property that prohibits the proposed development.

12. THE DESIRABILITY OF THE PROPOSAL**DEPARTURES AND AMENDMENT OF THE SITE DEVELOPMENT PLAN**

The proposed development departures applied for are as follows:

- relax the south-western building line (along the common boundary between Erven 11154 and 12308) from 5m to 1.935m on the first floor to accommodate a medical building;
- relax the north-western street building line (short extension of Fourie Street onto Erf 12308) from 5m to 1.4m on the first floor and 5m to 0m on the ground floor to accommodate the medical building, and
- relax the south-western street building line (short extension of Fourie Street onto Erf 12308) from 5m to 0m on the ground floor to accommodate the medical building.

The subject property abuts another medical facility and the departures applicable as well as the amendment of the SDP seeks to improve the integration of the two medical facility sites. The integration of the two sites enhances the flow, flexibility, and operational aspects of medical related activities to form an integrated medical node.

PARKING

A total of 130 parking bays is provided in the application proposal complies with the relevant parking requirements in relation to the various medical related uses proposed on-site.

ACCESS AND EGRESS

The access and egress will be from the extension of Fourie Street which leads directly into the subject property. At a later stage, the two medical developments may seek to integrate their traffic flow to enhance the practical flow of the traffic on both sites (Erf 12308 and Erf 11154). Furthermore, a minimum stacking distance of 12m in front of the boom or gate is require as per the Services Report.

SERVICES

Sufficient services will be provided on-site as per the Services Report.

ENVIRONMENTAL

The report by a Botanical Specialist has been provided that is agreed upon by the Environmental Management Services Department in which they indicate that no evidence of the presence of the kukumakranka is found of the site. Furthermore, the presence of another specie namely the Babiana nana ssp. has been found on the north-western corner of the site. However, it was indicated that the site is not suitable for the specie and that the plant be relocated to another suitable location.

TENDER COMPLIANCE

As discussed in the comments received by the internal departments and specialist studies, the application may be recommended for approval since it does not deviate from the tender specifications.

CONCLUSION

Noting the above discussion, the development proposal is considered desirable.

13. RECOMMENDATION

1. that the comments received and responses thereon, be noted;
2. that the application for **departure** in terms of Section 16(2)(b) of the Overstrand Amendment By-Law on Municipality Land Use Planning, 2020 applicable to Erf 12308, Westcliff, Hermanus in order:
 - (i) relax the south-western building line (along the common boundary between Erven 11154 and 12308) from 5m to 1.935m on the first floor to accommodate a medical building;
 - (ii) relax the north-western street building line (short extension of Fourie Street onto Erf 12308) from 5m to 1.4m on the first floor and 5m to 0m on the ground floor to accommodate the medical building, and
 - (iii) relax the south-western street building line (short extension of Fourie Street onto Erf 12308) from 5m to 0m on the ground floor to accommodate the medical building;

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

3. that the application for the **amendment of the approved Site Development Plan** in terms of Section 16(2)(l) of the By-Law to accommodate the amended setback of the medical building applicable to Erf 12308, Westcliff, Hermanus **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in 2. and 3, above, be subject to the following conditions:

- (a) that the approval is only for the development as indicated on the site development plan drawing number *AHEC01*, dated 2026.07.06 as submitted with the application;
 - (b) that building plans be submitted to the Building Control Office, and that all comments from the Building Department and Fire Department be complied with at that stage;
 - (c) that the conditions of the Engineering Services Department: Services Report (attached as Annexure F) must be complied with;
 - (d) that the recommendation by the botanical specialist (attached as Annexure I) be complied with;
 - (e) that the rates of the property be amended accordingly in terms of the latest rates policy.
5. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions; and

14. REASONS FOR RECOMMENDATION

Reasons for recommendation in paragraph 2.(i)-(iii) and 3.

- ❖ The application has followed due procedure.
- ❖ The concerns raised by Property Administration Department have been adequately addressed.
- ❖ That the application has followed due procedure.
- ❖ The subject property is in line with the strategic planning for the area in terms of the forward planning for the area.
- ❖ The proposal is in line with the general principles of SPLUMA and LUPA as this development will be spatially sustainable, it will not lead to urban sprawl.
- ❖ The botanical study provided with the application is supported by the Environmental management Services Department.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Comment: Property Administration Department
Annexure E:	Comment: Environmental Management Services Department
Annexure F:	Services Report
Annexure G:	Comment: Legal Department
Annexure H:	Objection and Withdrawal of Objection
Annexure I:	Comment: Botanical Specialist

SIGNATURES**AUTHOR:**

Name: **B MINNAAR**

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

Signature: _____

Date: _____

REGISTERED PLANNER:

Name: **S VAN DER MERWE**

SACPLAN Reg No: **A/1850/2014**

Signature: _____

Date: _____



All distances approximate
 and subject to survey.
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ERF 12308
HERMANUS

LOCALITY MAP

Scale:	NTS
Drawing Nr:	Hermanus123
Date:	3 Jul 2025

UPDATED MOTIVATION REPORT

- *Proposed Building Line Departures*
- *Amendment of the Site Development Plan*

ERF 12308 | DIVISION: CALEDON | OVERSTRAND MUNICIPALITY

Applicant	Medbuild Prop (Pty) Ltd
Planning Agent	Plan Active Town & Regional Planners
Property	Erf 12308 Hermanus, Division Caledon
Erf Size	7 342 m ²
Title Deed	T1855/2025
S.G. Diagram	2858/2023
Zoning	Community Zone 1 (Consent Use: Institutional)
Application Type	Building Line Departures (Chapter 4, Section 16(2)(b)) and Amendment of the Site Development Plan (Chapter 4, Section 16(2)(l))
Reference Legislation	Overstrand Municipality By-Law on Municipal Land Use Planning
Prepared by	Plan Active Town & Regional Planners
Date	May 2026

1. BACKGROUND

Medbuild Prop (Pty) Ltd, the registered owner of Erf 12308 Hermanus, has appointed Plan Active to submit an amended application for building line departures as part of the initial phase to establish a linkage between the existing medical facility located on Erf 11154 Hermanus (Hermanus Medical Village) and the proposed new medical development on Erf 12308 Hermanus, as well as for the Amendment of the Site Development Plan (SDP).

The amendment is necessitated by revised architectural plans prepared by Boogertman + Partners, dated 20 May 2026, which reflect an updated building configuration and revised setback dimensions compared to those described in the original application. The fundamental purpose of the application, to facilitate the integration of the two medical facilities, remains unchanged.

A comprehensive land use application was previously submitted, which included the subdivision of a portion of Erf 384 Hermanus, rezoning, partial closure of Fourie Street, closure of a public open space, consent use, and amendments to the Overstrand Municipality's Spatial Development Framework (SDF) and Growth Management Strategy. This application was duly approved by the Authorised Official on 23 October 2020. (Refer to Annexure A for details.)

Erf 12308 Hermanus measures 7 342 m² in extent, as indicated on Surveyor-General Diagram No. 2858/2023, and is registered under Title Deed T1855/2025.

2. APPLICATION DETAILS

This amended application is submitted in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning. It seeks approval for departures from the prescribed 5-metre building line applicable to three specific boundary portions of Erf 12308 Hermanus, as reflected in the revised architectural plans.

The three building line departures are described as follows:

Departure	Boundary	Prescribed Building Line	Proposed Departure	Description
(a)	South-western lateral boundary — common boundary between Erf 12308 and Erf 11154 Hermanus	5m	1.935m For 1 st floor No departure for ground floor	The building on the first floor is set back 1.935m from the south-western lateral boundary shared with Erf 11154 (Hermanus Medical Village). No departure required for the ground floor
(b)	North-western street boundary — short extension of Fourie Street onto Erf 12308 Hermanus	5m 5m	1.4m for 1 st Floor 0m for ground floor	The building is set back 1.4m from the north-western street boundary, being the short extension of Fourie Street onto the property.
(c)	South-western street boundary — short extension of Fourie Street onto Erf 12308 Hermanus	5m	0m for 1 st and ground floor	A section of the building is constructed directly to the south-western street boundary of the short Fourie Street extension onto the property, with no setback.

No further building line departures are sought. All other building lines applicable to Erf 12308 Hermanus are complied with, and the building is set back in accordance with the prescribed 5-metre building line along all other boundaries.

Furthermore, application is also submitted for the amendment of the Site Development Plan in terms of Chapter 4, Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020, to make provision for the amended setback of the building. All the endemic plant species, the Koekemakranka bulbs, that determined the position of the proposed building, have been removed from the erf by the Environmental Officer at the Overstrand Municipality. Due to the removal of these endemic

plants, the building setback from the south-western portion can be reduced as indicated on the revised Site Development Plan.

3. DESIRABILITY

3.1 Property Description

Erf 12308 Hermanus is located at the intersection of Flower Street, Albertyn Street, Church Street, and a short extension of Fourie Street in Hermanus. The property is adjacent to Erf 11154 Hermanus, which houses the established Hermanus Medical Village, and is also in close proximity to the Hermanus MediClinic and the Hermanus Provincial Hospital. This situates the site within a well-defined and active medical precinct.

The subject property measures 7 342 m² in extent and is situated within a mixed-use zone, ideally positioned to support further medical-related development. The current amended application for building line departures is aimed at facilitating the linkage between the proposed medical facility on Erf 12308 and the existing Hermanus Medical Village on Erf 11154. This linkage is integral to achieving functional integration and continuity between the two developments.



Figure 1: Locality Plan — Erf 12308 Hermanus

3.2 Zoning

Erf 12308 Hermanus is zoned Community Zone 1, with an approved consent use for Institutional purposes, aligning with its intended use for a medical facility. The surrounding area comprises a mix of land uses, including properties zoned for Single Residential, Institutional purposes, and Public Roads. This zoning context supports the integration of the proposed development into the broader urban fabric.

Please note that Erf 12308 Hermanus is incorrectly labelled as Public Open Space on certain zoning map abstracts. The correct zoning is Community Zone 1, as confirmed by the approved land use application.

3.3 Land Use

Erf 12308 Hermanus is currently vacant and is earmarked for the development of medical facilities that will be accessible to the adjacent, established Hermanus Medical Village on Erf 11154. The proposed development will accommodate a range of health-related services, including but not limited to:

Ground Floor:

- Reception and Administration (267 m²)
- Pharmacy (183 m²)
- Consulting Rooms – North (492 m²)
- Consulting Room – South (210 m²)
- Radiology (508 m²)
- Pathology (71 m²)
- Coffee Shop (16 m²)
- Circulation and Public Toilets (387 m²)
- Services (361 m²)

First Floor:

- Oncology (612 m²)
- Day Ward (207 m²)
- 12 Bed CCU & HCU (624 m²)
- Theatres (1 347 m²)
- Medical (442 m²)
- Surgical Unit (657 m²)
- Circulation and Public Toilets (479 m²)

Associated on-site parking

The development will contribute meaningfully to the consolidation and expansion of the existing medical precinct in this part of Hermanus. The surrounding land uses reflect a predominantly institutional and residential character, including old age homes and frail care facilities (Fynbosspark, Huis Lettie Theron, and SOFCA); the South African National Space Agency (SANSA); Hermanus MediClinic, Hermanus Medical Centre, and Hermanus Provincial Hospital; guesthouses and backpacker accommodation; single residential dwellings; and public roads and open spaces.

4. PROPOSAL

This amended application is submitted in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning and seeks approval for departures from three specific building line provisions applicable to Erf 12308 Hermanus.

The proposed development consists primarily of a ground floor and a first floor. A small second-floor plant room forms part of the building to accommodate mechanical and engineering services for the medical facility. This plant room does not constitute habitable floor space and is limited in extent.

The purpose of the proposed building line departures is to facilitate developmental integration between the existing Hermanus Medical Village on Erf 11154 and the planned medical facility on Erf 12308 Hermanus. To enable this integration, the new medical building is proposed in close proximity to the south-western lateral boundary shared between the two properties, and up to or close to specific portions of the street boundaries adjacent to the short extension of Fourie Street onto the property.

4.1 Site Development Plan

The revised site development plan, prepared by Boogertman + Partners dated 20 May 2026, reflects the full development layout for Erf 12308, including the interface with the Existing Medical Village on Erf 11154. The plan clearly indicates the applicable 5m building lines and all three proposed departures.



Figure 2: Abstract of the Site Development Plan — Erf 12308 Hermanus (Boogertman + Partners, May 2026)

4.2 Building Line Departures

4.2(a) South-Western Lateral Boundary — Common Boundary with Erf 11154 Hermanus

Departure: From the prescribed 5m building line to 1.935m for the First Floor and no departure for the ground floor.

The First Floor of the new medical building on Erf 12308 is proposed with a setback of 1.935m from the south-western lateral boundary it shares with Erf 11154 Hermanus (the Hermanus Medical Village).

The building at this boundary will accommodate the pharmacy, radiology, and other medical-related facilities on the ground and first floors.

The departure is confined to the south-western lateral boundary — being the common boundary between the two erven — and does not affect any other boundaries. As the two developments complement each other no adverse impact on the adjacent property owner (Erf 11154) is anticipated.

Departure (a): First Floor - From 5m to 1.935m alongside the south-western lateral boundary (common boundary between Erf 12308 and Erf 11154 Hermanus), to enable the construction of a ground- and first-floor medical building with a linkage to the Hermanus Medical Village.

4.2(b) North-Western Street Boundary — Short Extension of Fourie Street onto Erf 12308

Departure: From the prescribed 5m building line to 1.4m for the First Floor and 0m for the Ground Floor.

A short section of Fourie Street extends onto the subject property along its north-western boundary, creating a street boundary to which the 5m street building line applies. The revised design proposes a setback of 1.4m for the first floor and 0m for the ground floor from this north-western street boundary, which represents a departure of 3.6m and 5m respectively from the prescribed 5m line.

This reduced setback is necessary to accommodate the building footprint as designed and to ensure the most efficient use of the available development area on Erf 12308 Hermanus.

Departure (b): First Floor From 5m to 1.4m and Ground Floor from 5m to 0m alongside the north-western street boundary, being the short extension of Fourie Street onto Erf 12308 Hermanus.

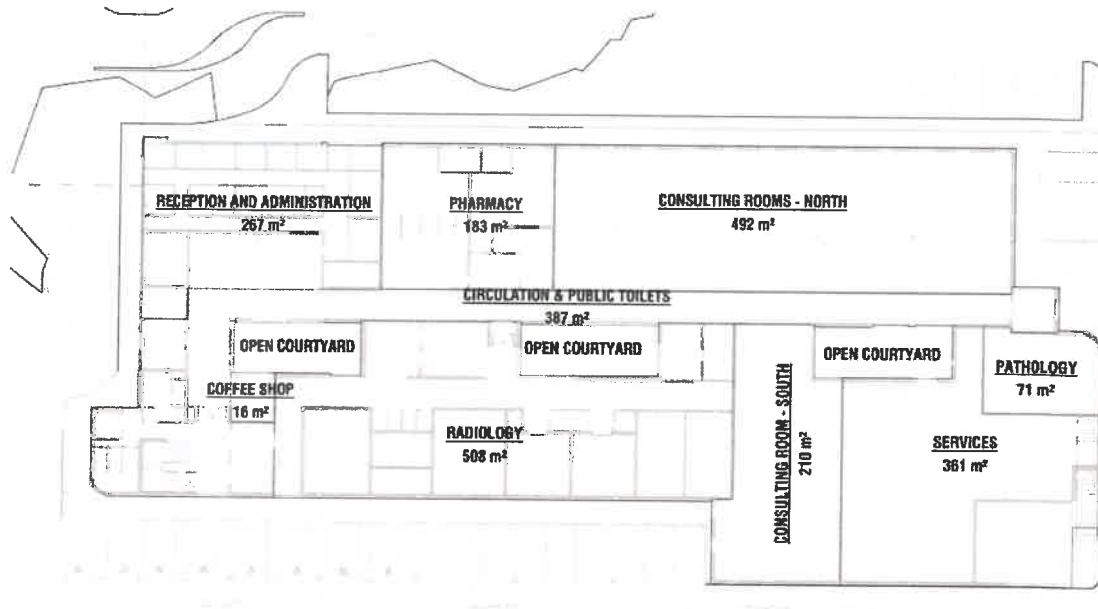
4.2(c) South-Western Street Boundary — Short Extension of Fourie Street onto Erf 12308

Departure: Ground and First Floors - From the prescribed 5m building line to 0m.

Along a section of the south-western street boundary of the short Fourie Street extension onto the property, the building is proposed to be constructed directly to the boundary at 0m. This portion of the Fourie Street extension forms a street boundary to which the 5m building line applies, and the proposed 0m setback requires a departure of 5m from the prescribed line.

This configuration is required to accommodate the building footprint at this corner of the development, ground-floor medical uses, and the first-floor building envelope. The small section of the building to the boundary at this section is consistent with institutional character of the precinct and does not interface with any sensitive residential land uses.

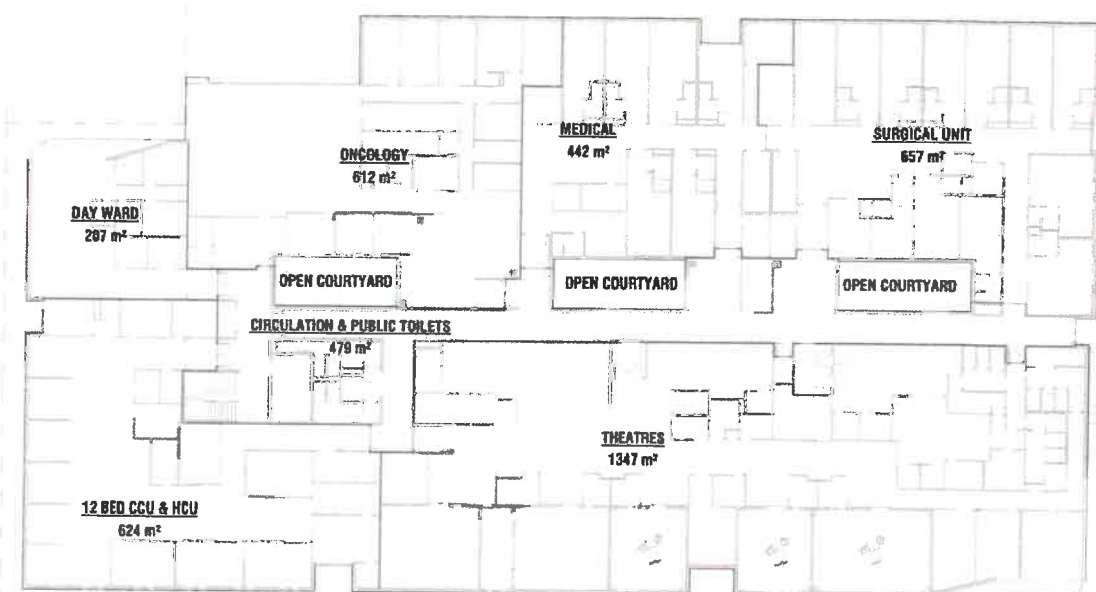
Departure (c): For the Ground Floor and First Floor - From 5m to 0m alongside a section of the south-western street boundary of the short extension of Fourie Street onto Erf 12308 Hermanus.



3 GROUND FLOOR

SCALE: 1 : 500

For ease of reference, refer to the attached floor plans for further clarity on the proposed building configuration and the location of each departure.



2 FIRST FLOOR AREA PLAN

SCALE: 1 : 500

Figure 3: Ground Floor Plan and First Floor Area Plan — Erf 12308 Hermanus (Boogertman + Partners, May 2026)

4.3 Building Height

The proposed development consists primarily of a ground floor and first floor. A small plant room is located at second-floor level to accommodate the mechanical and engineering services required for the operation of the medical facility. This plant room is limited in extent and does not constitute habitable floor space. The overall building height remains within permissible limits as set out in the applicable scheme regulations.

4.4 Impact on Neighbouring Properties

The proposed building line departures are not anticipated to negatively impact surrounding neighbouring properties. The primary departure, Departure (a), relates to the common boundary between Erf 12308 and Erf 11154 Hermanus. This linkage has been planned, and the design reflects a coordinated approach between the two erven. The 1.935m setback along this boundary allows for a connection while maintaining a physical separation between the structures.

Departures (b) and (c) along the Fourie Street extension boundaries do not interface directly with any sensitive residential or institutional land uses, and the proposed building configuration is consistent with the institutional and medical character of the broader precinct.



PERSPECTIVE VIEW: NORTH WEST CORNER



PERSPECTIVE VIEW: SOUTH EAST CORNER

Figure 4: Design Perspectives — Erf 12308 Hermanus (Boogertman + Partners, May 2026)

5. ACCESS AND PARKING

Access to Erf 12308 Hermanus will be maintained via the existing, approved entrance from Flower Street. No additional access points or changes to the current ingress and egress configuration are proposed as part of this application, which is limited to building line departures.

Parking provision for the proposed development will comply with the requirements set out in Section 17 of the Overstrand Municipal Land Use Scheme Regulations, 2020. A detailed Site Development Plan (SDP) indicating the layout and number of on-site parking bays is herewith submitted as part of the approval process for the proposed departures on Erf 12308 Hermanus.

The parking detail is as follows.

PARKING:		
	REQUIRED:	PROVIDED:
1-BED: 50 HOSPITAL BEDS 16 ONCOLOGY BEDS	66	66
CONSULTING SUITES 4/CS: 10 CONSULTING ROOMS	40	40
PHARMACY 4/100m ² :	7	7
COFFEE SHOP 4/100m ² :	1	1
ADMISSIONS AND ADMINISTRATION 4/100m ² :	12	12
PATHOLOGY 4/100m ² :	3	3
ADDITIONAL PARKING:		1
TOTAL:	129	130
PARKING FOR DISABLED 20% OF REQUIRED:	26	

6. MUNICIPAL SERVICES

No additional land use rights are being applied for as part of this application, which is limited strictly to the proposed building line departures as outlined above. Consequently, the approval of this application will not necessitate any additional municipal engineering services beyond those already accounted for in the previously approved land use application.

All necessary service capacity, including water, sewer, and electricity, has already been evaluated and deemed sufficient as part of the earlier approval process. The proposed building line departures will therefore not result in any unforeseen demand or additional strain on existing infrastructure.

7. TITLE DEED

A review of the Title Deed registered under T1855/2025 for Erf 12308 Hermanus confirms that there are no conditions or restrictions prohibiting the proposed building line departures and amendment of the SDP. There is no bond registered over the property.

8. FORWARD PLANNING

According to the Overstrand Municipal Growth Management Strategy (OMGMS), Erf 12308 Hermanus is located within Planning Unit 16, which largely comprises the Westcliff area, primarily characterised by single residential land use. The strategic guidance for this unit focuses on residential densification through subdivision, the addition of second and third dwellings, and the provision of community facilities such as a pre-primary school and a place of worship. The OMGMS also recommends upgrading civil infrastructure to accommodate anticipated densification.

The Overstrand Spatial Development Framework (SDF), however, designates Erf 12308 Hermanus as a development area, recognising its potential for urban growth and supporting the principle of infill development within the urban edge.

Given that this application does not involve any change in land use or intensification beyond what has already been approved, but rather seeks approval for building line departures and the amendment of the SDP only, the provisions and densification guidelines of the OMGMS are not directly applicable in this context. The proposed building line relaxations remain consistent with the intent of the SDF and the strategic planning objectives of spatial integration and consolidation within the Hermanus medical precinct.

9. ECONOMIC IMPACT

The proposed building line departures and amendment of the SDP will enable the timely development of a new medical facility that integrates with the existing Hermanus Medical Village. This physical linkage will enhance operational efficiency, encourage shared resources, and support the growth of the local healthcare sector. The development is expected to stimulate job creation during both the construction and operational phases, while also improving access to specialised medical services in the region. By optimising land use within an established urban area, the proposal contributes positively to local economic development without requiring additional municipal expenditure on bulk infrastructure.

10. SOCIAL IMPACT

The proposed building line departures and amendment of the SDP will facilitate the creation of a cohesive, accessible medical precinct that strengthens healthcare provision for the broader Hermanus community. By enabling a seamless connection between the new and existing facilities, the development will enhance patient experience, reduce travel between services, and support integrated, multidisciplinary care. The project responds directly to local health needs and contributes to social well-being through improved service delivery and accessibility, particularly for vulnerable and elderly residents in nearby frail care and retirement facilities.

11. COMPATIBILITY WITH SURROUNDING LAND USES

The proposed building line departures and amendment of the SDP are fully compatible with the surrounding land uses, which are predominantly institutional, medical, and residential in nature. The site is located adjacent to the Hermanus Medical Village and in close proximity to the Hermanus MediClinic, Provincial Hospital, and several frail care and retirement facilities. The proposed development reinforces the existing medical node and complements surrounding uses by providing additional healthcare services within a consolidated, purpose-designed precinct. No adverse impacts on neighbouring properties are anticipated, as the development aligns with the established character and functional role of the area.

12. IMPACT ON HERITAGE

The proposed building line departures and amendment of the SDP will have no impact on heritage resources. Erf 12308 Hermanus is not located within a declared heritage area, nor does it contain any structures of historical or cultural significance. Furthermore, the adjacent properties are not designated as

heritage sites. The proposed development will occur on a vacant erf within an already urbanised and institutionally developed context, ensuring that the character and integrity of any potential heritage assets in the broader area remain unaffected.

13. IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed building line departures and amendment of the SDP will not result in any significant impact on the biophysical environment. Erf 12308 Hermanus is located within an urban setting and is currently a vacant, previously disturbed site with no sensitive ecological features, protected vegetation, or watercourses present. All necessary environmental considerations were assessed and addressed during the prior land use application process. As this application only pertains to building line relaxations and amendment of the SDP within an approved development footprint, no further biophysical impacts are anticipated.

14. PLANNING PRINCIPLES

The proposed building line departures for Erf 12308 Hermanus are aligned with the core development principles set out in the Spatial Planning and Land Use Management Act (SPLUMA), 2013:

Spatial Justice

By promoting improved access to medical services in close proximity to existing healthcare infrastructure, the development supports equitable access to essential services for all members of the community.

Spatial Sustainability

The proposal optimises the use of urban land within the existing urban edge, avoids urban sprawl, and utilises available infrastructure efficiently.

Efficiency

The integration of medical facilities through the building line departures and amendment of the SDP enhances operational efficiency and functional connectivity between the two erven, maximising land use in a coordinated and cost-effective manner.

Spatial Resilience

The proposal contributes to the long-term adaptability of Hermanus' healthcare infrastructure by enabling a flexible and integrated medical precinct.

Good Administration

Plan Active is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time-efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's by-law and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

15. RECOMMENDATION

It is recommended that the application for building line departures and amendment of the SDP on Erf 12308 Hermanus be approved for the following reasons:

- The proposed departures and amendment of the SDP will facilitate the creation of an integrated medical precinct by enabling a link between the proposed new medical facility and the established Hermanus Medical Village on Erf 11154.
- The application is aligned with the Overstrand Spatial Development Framework, which designates the site as a development area and supports strategic urban infill within the existing urban edge.
- The proposed development is compatible with surrounding land uses, which include institutional, medical, residential, and public amenities, and will enhance the functionality of the broader healthcare node.
- The building line relaxations and amendment of the SDP will not result in any adverse impacts on neighbouring properties, as the primary departure occurs along a common boundary between two erven under similar development.
- There are no restrictive conditions in the Title Deed that prevent the proposed building line departures and amendment of the SDP.
- The development will not place additional strain on engineering services, as service capacity was addressed and approved under the earlier land use application.
- The site is not environmentally sensitive, and the proposal will have no significant impact on the biophysical environment.
- No heritage resources are affected by the proposal, and the site lies outside any designated heritage overlay or conservation area.

- The development will contribute positively to the local economy through job creation, increased investment in medical infrastructure, and improved healthcare access.
- Social benefits include enhanced access to healthcare services, particularly for vulnerable and elderly residents in nearby frail care and retirement facilities.
- The proposal adheres to the planning principles of SPLUMA, including spatial justice, sustainability, efficiency, resilience, and good administration.
- The application is procedurally compliant, technically sound, and consistent with the objectives of the Overstrand Municipal Land Use Planning By-Law.

In conclusion, the proposed building line departures and amendment of the SDP on Erf 12308 Hermanus are both reasonable and necessary to enable the functional integration of two medical facilities within an established healthcare precinct. The application is consistent with applicable planning policies, poses no adverse impacts on the surrounding environment or community, and supports the broader goals of sustainable urban development and improved healthcare provision in Hermanus. Approval of this application is therefore respectfully recommended.

GENERAL

REVISION

CLIENT

PROJECT

117

45



NAME: MITHUNA JASTELERICH | DUBAII | U.A.E
 3088 C. Mar-Bright Olive Park, 312 Main Road, Reynolds 2164
 PC Box 99444, Elaine Pk 12182, San Jose
 mitch@compuserve.com
 Tel: 011 1 408 253 2800

PROJECT DETAILS

HERMANUS SPECIALIST HOSPITAL

FOR
COZA INVESTMENTS

AT
ERF 12308

HERMANUS

DRAWING TITLE
FIRST FLOOR PLAN & SECTION
 EXISTING AND CONSTRUCTION

DATE	10/23/08
BY	TH
CHECKED BY	TH
APPROVED	HDP
SCALE	1:20 AT

3/4
 SUFFICIENCY
 Ready for stage approval
 870 - XXX - XX - XX - AA - \$102

SCALE: 1 : 200

SCALE: 1 : 200

[illegible]

concrete roof - Macel Mapelap's TPO on 75-100mm per polyethylene thermal insulation layer, on James current steel with 7,92mm's fall to Maple roof drains in R.D slab as per Engineer design and realization, Maple waterproofing strictly as per manufacturer design and details

A SECTION A

SCALE: 1 : 200

FILE REF: 12308 HWC APP ID: 5036/2025	Internal Memorandum																
<u>FROM:</u> TOWN & SPATIAL PLANNING <u>TOWN PLANNER:</u> Brady Minnaar <u>DATE:</u> 12 November 2025 <u>NOTES:</u> Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo <u>by not later than the date stipulated below</u>. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the MPT will be informed accordingly. Building Control Department to confirm that all structures on the property/ies are in accordance with the approved building plans.	<u>APPLICANT:</u> PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF MEDBUILD PROPERTIES (PTY) LTD <u>PROPERTY DETAILS:</u> ERF 12308, 37 FLOWER STREET, WESTCLIFF, HERMANUS <u>APPLICATION:</u> APPLICATION FOR DEPARTURE AND AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN <table border="1" style="width: 100%; border-collapse: collapse; text-align: center; font-size: small;"> <tr> <td><u>PUBLIC LIAISON MANAGER</u></td> <td><u>BUILDING CONTROL</u></td> <td><u>DISTRICT HEALTH</u></td> <td><u>ELECTRICAL</u></td> </tr> <tr> <td><u>ENVIRONMENTAL</u></td> <td><u>ENGINEERING SERVICES</u></td> <td><u>FIRE DEPARTMENT</u></td> <td>TOURISM</td> </tr> <tr> <td><u>OPERATIONAL</u></td> <td><u>TRAFFIC</u></td> <td><u>WASTE MANAGEMENT</u></td> <td><u>WARD COUNCILLOR</u></td> </tr> </table> INTERNAL DEPARTMENT COMMENTS Erf 12308 Hermanus was sold by means of a tender process. The tender specifications specifically mentioned a no-go area stipulating that this area should be earmarked as an open space area/garden and that the bidder shall not be allowed to develop, build on or disturb the area. This condition was also included in the Deed of Sale. This area is indicated on the attached locality plan. As the property was made available by means of a tender process with the specific condition that no development be allowed on the area, we cannot support the amendment of the SDP to include any development on the area, even though the plants have been relocated, as this was a specific condition stipulated in the tender specifications. One can argue that should this condition not have been included in the specifications, or should it have been known that the plants could be relocated, and the area be developed, more parties could have been interested and would have tendered for the purchase of the property. Changing a specific development condition afterwards or allowing development on an area which was specifically excluded for development in the tender specifications it can be argued that the Municipality is not transparent, fair or equitable in their tender processes. Therefore, the amendment of the SDP to include any development over the indicated area cannot be supported. <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 30%;">SIGNATURE:</td> <td></td> </tr> <tr> <td>DATE:</td> <td>07/01/2026</td> </tr> </table>	<u>PUBLIC LIAISON MANAGER</u>	<u>BUILDING CONTROL</u>	<u>DISTRICT HEALTH</u>	<u>ELECTRICAL</u>	<u>ENVIRONMENTAL</u>	<u>ENGINEERING SERVICES</u>	<u>FIRE DEPARTMENT</u>	TOURISM	<u>OPERATIONAL</u>	<u>TRAFFIC</u>	<u>WASTE MANAGEMENT</u>	<u>WARD COUNCILLOR</u>	SIGNATURE:		DATE:	07/01/2026
<u>PUBLIC LIAISON MANAGER</u>	<u>BUILDING CONTROL</u>	<u>DISTRICT HEALTH</u>	<u>ELECTRICAL</u>														
<u>ENVIRONMENTAL</u>	<u>ENGINEERING SERVICES</u>	<u>FIRE DEPARTMENT</u>	TOURISM														
<u>OPERATIONAL</u>	<u>TRAFFIC</u>	<u>WASTE MANAGEMENT</u>	<u>WARD COUNCILLOR</u>														
SIGNATURE:																	
DATE:	07/01/2026																

CLOSING DATE:

19 December 2025

Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.



TPA-EMS-251218-02

Town Planning Application on 18-12-2025

Generated on Unit by Heloise Fortune on 18-12-2025



Basic Information

Captured Reference	18-12-2025 14:42	Call Time	18-12-2025 14:42	Captured By	Heloise Fortune
District	TPA-EMS-251218-02			Office	EMS
Municipality	Overberg			Status	Open

Description

APPLICATION FOR DEPARTURE AND AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN

Geographical Information



37 Flower Street, Hermanus, South Africa (-34.4214; 19.2328)

Application Details

File Reference	FILE REF: 12308 HWC APP ID:5036/2025 PLAN ACTIVE TOWN- AND REGIONAL
Applicant	PLANNERS ON BEHALF OF MEDBUILD PROPERTIES (PTY) LTD ERF 12308, 37 FLOWER
Property Details	STREET, WESTCLIFF, HERMANUS

Application Comments

This office has no objection to this application.

Closing Comments

Heloise Fortune

18 December 2025

Name and Surname

Signature

Date

ERF 12308 HERMANUS - Rare bulbous plant assessment – Kukumakranka

Environmental Management & Conservation Division

Overstrand Municipality

25 September 2025



Prepared by:

Lulutho Mancunga

Municipal Environmental Graduate

DFFE Local Government Support Programme

1. Introduction

This report outlines the process followed in response to a request from the developers of Erf 12308 Hermanus, Medbuild Properties (Pty) Ltd, for guidance regarding the presence of a rare bulbous plant species, *Kukumakranka* (*Gethyllis* sp.), historically recorded on the site earmarked for the development of a hospital.

The purpose of this report is to document the application of the precautionary principle in addressing potential environmental concerns and ensuring due diligence in plant conservation during development planning.

2. Background

Medbuild Properties (Pty) Ltd, represented by Mr. Jaco Claassens, approached the Environmental Management and Conservation division to request environmental guidance regarding Erf 12308 Hermanus. The concern was the possible presence of the rare bulbous plant known as *Kukumakranka* (*Gethyllis* sp.), which had reportedly been sighted on a section of the site some years ago.

The property in question, Erf 12308 Hermanus, measures 452.5 square meters and is located within the municipal boundary of Hermanus. The developers requested collaboration with our office to identify and if necessary, relocate any protected or indigenous bulbous plants prior to the commencement of development.

3. Actions taken

3.1. Information Gathering

- Contact was made with the Hermanus Botanical Society, specifically Dr. Pat Miller, for background on the original sighting. Feedback confirmed the past observation but highlighted the challenge of identifying the species due to its brief and sporadic flowering cycle.

3.2. Expert Recommendation

- Following internal discussions and the feedback from Dr. Miller, the developers were advised to consult with a bulb-specialist botanist.
- Ms. Aplon then requested my assistance (Lulutho Mancunga) in sourcing a suitable bulb specialist who could support the investigation.
- Dr. Mark Berry was recommended based on advice from the Compton Herbarium (SANBI). While not formally appointed by the developer, Dr. Berry responded as a courtesy and provided preliminary advice based on available records.

3.3. Specialist Feedback

- On 20 August 2025, Dr. Berry advised that only *Gethyllis afra* is known to occur in the Hermanus area. This species is not listed as threatened, nor is *Gethyllis villosa*, which is found further east in the Overberg region.
- Dr. Berry therefore indicated that, from a conservation standpoint, there was no significant concern, although he could not issue formal documentation as he was not commissioned by the developers.

3.4. On-site Survey Arrangement

- Medbuild Properties contracted Robin Garden Services (Contact: Robin) to undertake a manual bulb identification and collection process within the demarcated area of Erf 12308 Hermanus

- A quote for the work was accepted by the developers on 3 September 2025.

3.5. Site Visit

- A site visit was conducted by Ms. Penelope Aplon and myself on 3 September 2025 to inspect the area and ensure alignment with conservation protocols.

3.6. Plant Collection and Identification

- Robin Garden Services began working through the area and collected various bulbous plant specimens, which were stored in bags for identification.
- On 8 September 2025, the collected specimens were retrieved by Ms. Aplon.
- The specimens were then documented by me and sent to Dr. Berry for identification.
- On 9 September 2025, Dr. Berry identified the species as follows:
 - *Pelargonium triste*
 - *Trachyandra ciliata*
 - *Eriospermum* sp.
 - *Haemanthus sanguineus*

These plants were not classified as rare or threatened and are indigenous to the region.

3.7. Transplantation of Bulbous Plants

- Site identification and selection was undertaken by Ms. Penelope Aplon. The chosen location is a section of the coastal greenbelt off Erika Street in Sandbaai, Hermanus. This site was selected based on its environmental suitability - specifically, compatible soil conditions and microhabitat characteristics conducive to the survival of the plants, as well as its potential to support ongoing ecological restoration efforts in the area.
- On 19 September 2025, Ms. Aplon, Ms. Heloise Fortune and I conducted a visit to the selected transplant site. We met with Robin Garden Services, responsible for the replanting, at a predetermined location and accompanied them to the site. At the site, we were joined by Ms. Leentjie van Schalkwyk, a local resident who regularly assists with the maintenance of the greenbelt areas.
- Transplanting commenced and was completed on 19 September 2025, carried out by Robin Garden Services.

4. Conclusions

- No confirmed Kukumakranka (*Gethyllis*) specimens were found during the survey.
- The bulbous species identified are indigenous but not of conservation concern.
- All collected bulbous specimens were successfully transplanted to a suitable, identified relocation site.
- The process followed demonstrates the application of the precautionary principle, with all reasonable steps taken to assess and mitigate potential impacts on local flora prior to development.

5. Photographic Documentation

The following images serve as a visual record of the bulb identification and transplantation process undertaken. The first group of images (Annexure A) captures the bulbous plant species identified during the assessment, while the second set (Annexure B) documents the selected transplantation site and the commencement of replanting activities carried out by Robin Garden Services.

Annexure A: Identified Bulbous Plant Species

Images below show the plant specimens collected during the on-site survey and later identified by Dr. Mark Berry.



Trachyandra ciliata



Pelargonium triste



Eriospermum sp.



Haemanthus sanguineus

Annexure B: Transplantation Site and Replanting Process

Images below document the selected transplantation site within the coastal greenbelt off Erika Street, Sandbaai, as well as the replanting process undertaken by Robin Garden Services.





**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR DEPARTURE & AMENDMENT OF THE APPROVED
SITE DEVELOPMENT PLAN: ERF 12308, WESTCLIFF (5036 /2025)**

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

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.

- 1.3 The contribution according to the current policy (**2025/2026**) is as follows:

Proposed SDP (current application):

Water	R 27 598.00 x 9.8668	= R	272 303.95
Sewerage	R 19 725.00 x 9.8668	= R	194 622.63
Roads	R 8 845.00 x 69.57359	= R	615 378.40
Stormwater	R 10 205.00 x 0	= R	0.00
Solid Waste	R 1 769.00 x 0	= R	0.00
TOTAL (inclusive of VAT)		= R	<u>1 082 304.98</u>

Future development (building plans incl.) - per 100 sq. meter GFA :

Water	R 27 598.00 x 0.4	=	R 11 039.20
Sewerage	R 19 725.00 x 0.4	=	R 7 890.00
Roads	R 8 845.00 x 2.8205	=	R 24 947.44
Stormwater	R 10 205.00 x 0	=	R 0.00
Solid Waste	R 1 769.00 x 0.18	=	R 318.42
TOTAL (inclusive of VAT)		=	<u>R 44 195.06</u>

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Please note that the above figures:

- a) Are estimated amounts that may be adjusted.
- b) Are subject to annual tariff adjustments.
- c) Do not include investigation and connection fees.
- d) Do not include bulk electricity cost. Please contact Overstrand Municipality's Electrical Division for more details.

2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
 - 2.1 the Chief Engineer: Infrastructure Services may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided:
 - 2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
 - 2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Chief Engineer: Infrastructure Services to determine the amount of such contribution in terms of a system which is fair and equitable;
3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property;
5. that a plan of all the existing services be submitted to the Chief Engineer: Infrastructure Services, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Chief Engineer: Infrastructure Services;
 - 5.1 way-leaves must be obtained from the Principal Technologist: Hermanus;
 - 5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;
6. that the developer must enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:

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- 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
- 6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Chief Engineer: Infrastructure Services, prepared by an ECSA registered professional engineer/technologist, be submitted to the Chief Engineer: Infrastructure Services for his prior approval;
8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
9. the Chief Engineer: Infrastructure Services to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Chief Engineer: Infrastructure Services;
10. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned;
11. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for Works of Civil Engineering Construction - 2004, of 12 months, and
12. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with DXF file thereof;
13. that the water reticulation be provided/upgraded according to the report prepared by GLS consulting engineers and/or the Overstrand Sewer Master Plan and Water Master Plan.
14. that only the standard 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;

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15. that the developer appoints a consulting electrical engineer to determine the electricity demand for the development and pay a fee to Overstrand Municipality to determine the capacity in the existing electricity network;
16. that the electricity reticulation and supply be provided according to the master plan, by the developer and that transfer can only proceed once electricity is available;
17. 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*;
18. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be provided with the following:
 - a) properly ventilated,
 - b) a cement floor,
 - c) a tap and running water, as well as a drainage point which is connected to the sewer network,
 - d) in a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Chief Engineer: Infrastructure Services;
19. that the refuse room be completed prior to occupation of the first unit, to the satisfaction of the Chief Engineer: Infrastructure Services;
20. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded, be submitted to the Chief Engineer: Infrastructure Services for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Chief Engineer: Infrastructure Services;
21. that the approved stormwater management plan include the following:
 - a) pre-development run-off from the catchment area;
 - b) post-development run-off from catchment area;
 - c) existing stormwater reticulation system and the capacity thereof;
 - d) connection of internal stormwater reticulation system;
 - e) overland escape routes;
22. that the connection to the stormwater reticulation system be provided according to the approved stormwater management plan by, the developer;
23. that a minimum stacking space/distance of at least 12,0 m (in front of the gate or boom) be provided for the access point;

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24. 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: Hermanus for written approval;
25. that any damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.
26. that all the parking requirements from the 2020 Overstrand Land Use Scheme be complied with.


RICARDO ANDREW


DATE

PRINCIPAL TECHNOLOGIST: DEVELOPMENT CONTROL



Re: Erf 12308 Hermanus, Westcliff - Clarification Regarding Conditions of a Tender

From Jacques Wilkinson <jwilkinson@overstrand.gov.za>

Date Tue 31-Mar-26 12:32 PM

To Brady Minnaar <bminnaar@overstrand.gov.za>

Cc Riaan Kuchar <rkuchar@overstrand.gov.za>; Tasneem Goncalves <tgoncalves@overstrand.gov.za>; Liana Taylor <ltaylor@overstrand.gov.za>; Hanneen van der Stoep <hvdstoep@overstrand.gov.za>; Alida Conradie <alida@overstrand.gov.za>

Dear Brady

My sincere apologies for the delayed response.

The very short of the very long is:

1. We cannot, subsequent to the award, amend the tender specifications.
2. I agree with the comment from Property Admin that the condition remains applicable, despite the apparent removal of the plant.
3. In this instance, it is also not a case of merely cancelling the agreement and re-advertising the tender with this condition being excluded, because transfer of immovable property has taken place. The cost of trying to unscramble that egg, I would argue, is in no-one's best interest.

So, to answer your questions:

1. Yes, the condition contained in the tender and sale agreement remains valid, even in the absence of a visible kukumakranka on the premises.
2. No, the developer cannot build over the no-go area despite the absence of the relevant plant.

On a side-note, and without knowing the exact extent of the planned development, I mention the following two aspect:

1. Even in the absence of a physical plant, the nature of bulbous plants is that they sprout bulbs which are not necessarily extracted when a plant is removed. These bulbs can remain dormant underground until perfect conditions arise at which time the plants can resprout.
2. An argument can be made that even a structure which is not physically attached to the ground, such as a sky-bridge, will have a direct impact on the ground: either by way of trampling during the construction process, and / or due to the accompanying change in natural conditions, such as decreased natural day light (i.e. longer periods of shade). The way in which the condition is written will therefore also inform what development can take place above the no-go area, even where the structure is not affixed to the ground. In this regard the wording: "The successful bidder shall not be allowed to develop, build on **or disturb** the area where the protected plant species are present." Again, the use of the word "disturb" in conjunction with the specific reference to "develop" and "build on", suggests that the intention of the condition was to provide protection to an extent wider than merely building on the no-go area.

I trust you will find the above in order.

Regards

Jacques Wilkinson

Principal Legal Advisor

Legal Services

Office of the Municipal Manager

T: +27 (0) 28 313 8917 F: +27 (0) 28 313 8931

E: jwilkinson@overstrand.gov.za



Overstrand Municipality

A: 1 Magnolia Street, Hermanus, 7200 | P: P.O Box 20, Hermanus, 7200

T: +27 (0) 313 8000 | F: +27 (0) 312 1894

E: enquiries@overstrand.gov.za | W: www.overstrand.gov.za



Erf 12308 Hermanus, Westcliff - Clarification regarding Conditions of a Tender

From Jacques Wilkinson <jwilkinson@overstrand.gov.za>

Date Mon 01-Jun-26 9:54 AM

To Brady Minnaar <bminnaar@overstrand.gov.za>; Riaan Kuchar <rkuchar@overstrand.gov.za>

Cc Anja le Roux <anjaleroux@overstrand.gov.za>; Tasneem Goncalves <tgoncalves@overstrand.gov.za>; Riaan Marinus <rmarinus@overstrand.gov.za>

Dear Brady

The captioned matter, previous correspondence, and meeting of 10 April 2026 at the MM's Boardroom, have reference.

I previously stated my agreement with the comments of Property Administration regarding the proposed development of an area of Erf 12308 which was indicated in tender SC2331/2022 as a "no go area" due to the presence of an endemic plant species known as the "kukumakranka". I still hold the views expressed in my letter dated 31 March 2026.

Notwithstanding the foregoing, and having considered the comments from the Environmental Services Department as per the report of 25 September 2025, the following is clear:

1. An extensive analysis of Erf 12308 ("the premises") was conducted during August and September 2025 to determine the presence of kukumakranka.
2. Input was obtained from various experts, most notably Dr Pat Miller (Hermanus Botanical Society) and Dr Mark Berry (Compton Herbarium - SANBI).
3. A manual bulb collection and identification process was then conducted. The manual collection process was overseen by officials from the municipality's Environmental Services Division to ensure compliance with conservation protocols.
4. The specimens which were collected, were sent to Dr Berry for identification.
5. Various bulb species were identified, but notably no kukumakranka.
6. None of the bulb species which were collected are classified as either rare or threatened.
7. Transplantation of the bulbous plants to an identified site was then completed.

It is clear from the foregoing that no kukumakranka was found on the premises, specifically not in the "no go area" as part of the assessment.

Furthermore, it is important to note that the identification and designation of the "no go area" is not registered against the title deed of the premises. Rather, it was included as a tender specification and subsequently included in as a condition in the sale agreement of the premises. However, if the current owner was to sell the premises and not record the condition in such sale agreement, the protection offered by the tender specifications and subsequent sale agreement would no longer exist and would Overstrand Municipality have no recourse to insist on its inclusion.

Turning to consideration of the tender specifications as captured in the sale agreement, the relevant provision reads as follows:

Clause 5.8 of the tender specifications:

No Go Area

An endemic plant species, the kukumakranka is found on the south-western corner of the Property. The successful bidder shall not be allowed to develop, build on or disturb the area where the protected plant species are present. This area is and should be earmarked as an open space / garden area. See area indicated on Annexure "C".

Clause 18.5 of the tender specifications:

An endemic plant species, the kukumakranka is found on the south-western corner of the

Property. The PURCHASER shall not be allowed to develop, build on or disturb the area where the protected plant species are present as indicated on the locality map attached as per Annexure "A".

Clause 18.8 of the sale agreement between Overstrand Municipality and Hunta:

18.8. An endemic plant species, the kukumakranka is found on the south-western corner of the Property as indicated as a "no go area" an "Annexure G" The PURCHASER shall not be allowed to develop, build on or disturb the area where the protected plant species are present, without the prior written approval being obtained from the SELLER and all other relevant authorities. This area is and should be earmarked as an open space / garden area.

Clause 16.2.8 of the sale agreement between Hunta and Medbuild:

16.2.8. An endemic plant species, the kukumakranka is found on the south-western corner of the Property as indicated as a "no go area" an "Annexure F". The PURCHASER shall not be allowed to develop, build on or disturb the area where the protected plant species are present, without the prior written approval being obtained from the Overstrand Municipality's and all other relevant authorities. This area is and should be earmarked as an open space / garden area.

All the clauses quoted above contain the same proviso, i.e. "The PURCHASER shall not be allowed to develop, build on or disturb the area **where the protected plant species are present** [...]" However, in respect of the tender specifications, this condition is absolute and refers to an area indicated on a locality map. In the case of the sale agreements, the reference to the locality map has been replaced by the following phrase: "[...] without the prior written approval of Overstrand Municipality and all other relevant authorities."

In the circumstances, I see no reason to deviate from the tender specification as captured in the sale agreements. For present purposes, there appears to be no conflict between the two. What appears clear from the foregoing, is that an extensive assessment was conducted to determine whether kukumakranka is present on the premises, in particular in the "no go area". This has been answered in the negative. As such, the phrase "where the protected plant species are present" can be interpreted to mean that, where the protected plant species are NOT present, the "no go area" does not apply. Therefore, although designated as a "no go area" the underlying *causa* for the earlier determination no longer exists.

In the matter of Dr JS Moroka v Bertram, the court stated as follows (at paragraph 10): "Essentially it was for the municipality, and not the court, to decide what should be a prerequisite for a valid tender, and a failure to comply with prescribed conditions will result in a tender being disqualified as an 'acceptable tender' under by the Procurement Act unless those conditions are **immaterial, unreasonable or unconstitutional**."

Where the plant species sought to be protected by a tender specification is not present in the area where protection was offered by such specification, it can be argued that enforcement of such specification is unreasonable or that the specification has become immaterial.

Nevertheless, the inclusion in the sale agreement(s) which allow for development on the "no go area" subject to prior written approval by Overstrand Municipality and all other relevant authorities strikes a neat balance which allow both for the enforcement of the tender specification while ensuring that "immaterial" / "unreasonable" specifications are not enforced.

It is, therefore, recommended that the applicant submits its application to develop on/over the "no go area", that the application be considered by Overstrand Municipality and that inputs from "all relevant authorities" (which is likely to include an environmental impact assessment) be obtained.

I trust you find the above in order.

Jacques Wilkinson

**Principal Legal Advisor
Legal Services**

Office of the Municipal Manager

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E: jwilkinson@overstrand.gov.za



Overstrand Municipality

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Vision Statement: "*To be a centre of excellence for the community*"

Alida Conradie

From: Alida Conradie
Sent: Wednesday, 17 December 2025 15:34
To: R. Kraus
Subject: Erf 12308, Westcliff - Acknowledgement of comment

Tracking:	Recipient	Delivery
	R. Kraus	
	Enquiries	Delivered: 2025/12/17 15:34

Dear Mr Krause

Receipt is hereby acknowledged of your comment. Your comment will be forwarded to the applicant for comment and further communication will be addressed to you in due course.

KINDLY REGARD THIS EMAIL AS YOUR FORMAL ACKNOWLEDGEMENT.

Kind Regards

Alida Conradie

Administrative Officer, Town- and Spatial Planning

Directorate: Planning & Development, Overstrand Municipality, Hermanus

A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20

T: 028 313 8900 | F: 028 313 2093 | E: alida@overstrand.gov.za

From: R. Kraus <rudolfk@icon.co.za>
Sent: Wednesday, 17 December 2025 12:17
To: Alida Conradie <alida@overstrand.gov.za>
Subject: Application for relaxations for Erf 12308

Town and Spatial Planning
 16 Peterson Street
 Hermanus 7200

In response to the application in terms of Section 16(b) of the Bylaw in order to relax the building lines between Erven 11154 and 12308 from 5m to 0m to accommodate a medical building:

To continue with the same boundary and building line as per the eastern part of the flower street as it is from Albertyn street is creating a very heavy and bulky area on erven 12308..

The buildings in this area abutting right to the street are a result of the early 20th and even the late 19th century street natural rural village development. The street is narrow and there was hardly any traffic. To carry on with the same boundary and building line until Fourie street will therefore only create a very heavy unproportional bulky area. It is obvious that to build right unto the 0m building line which is also the boundary line in order to create medical facilities will influence the whole area very negatively.

Any building abutting the boundary can't have any openings towards the street and will therefore create a very heavy bulky unpleasant view. The traffic which will also naturally increase in this area does not need a street narrowing.

Further, the medical facilities will probably look the same as the existing Spescare and create therefore a very unpleasant industrial look in this still rural area. The existing Spes care building has a reset boundary and a 4m building line towards Flower street, which has to be kept throughout the flower street in order to avoid a heavy, bulky industrial look in this area of Westcliff. This also applies to the western boundary of Alberteen street, abutting erf. 12308.

At least some green area from the existing park should be kept towards Flower street as mentioned above. And in order to avoid unwanted parking along the Flower street the landscaping can be done in such a way with shrubs and trees that no parking along the boundary is possible.

Another still acceptable option is, to bring the boundary towards Flower street and Alberteen as suggested, BUT that must include a 4m building line which has to be kept. This green belt can be landscaped as per the existing Spes care.

The excuse that the building lines have to be reduced to 0m is absolutely not acceptable! Having been involved in development plannings, years back, know that it is possible with a better planning process to keep those restrictions as suggested above.

Trusting that Town and Spatial Planning Hermanus will consider my comments

Yours sincerely

R. Kraus

19 De Goede Street

0825613720

028/3121879

Alida Conradie

From: Loretta Gillion
Sent: Thursday, 22 January 2026 11:53
To: Alida Conradie
Subject: FW: Erf 12308, Westcliff - Applicant to reply to comment

From: planactive@maxitec.co.za <planactive@maxitec.co.za>
Sent: Thursday, 22 January 2026 11:06
To: 'R. Kraus' <rudolfk@icon.co.za>
Cc: Riaan Kuchar <rkuchar@overstrand.gov.za>; Brady Minnaar <bminnaar@overstrand.gov.za>; 'Jaco' <jaco@cozainvestments.com>; Loretta Gillion <loretta@overstrand.gov.za>
Subject: RE: Erf 12308, Westcliff - Applicant to reply to comment

Good morning Mr Kraus,

Thank you for making the time this morning to attend the meeting at the Overstrand Municipality and for the constructive engagement regarding the application.

We appreciate your confirmation during the meeting that you are willing to withdraw your objection. We kindly request that you provide written confirmation of the withdrawal via email, addressed to Mr Brady Minnaar and Ms Loretta Gillion of the Overstrand Municipality, with us copied in the correspondence.

Kind regards,
John Mc Lachlan
Tch.Pl n B/8250/2014
MSAPI Nr.10908



Tel: 028 313 1673
web: www.planactive.co.za



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From: R. Kraus <rudolfk@icon.co.za>
Sent: 16 January 2026 07:20 PM
To: planactive@maxitec.co.za
Subject: RE: Erf 12308, Westcliff - Applicant to reply to comment

Yes, it is fine with me to meet you on Tuesday the 22 January @ 10:00h at your offices.
 Kind regards
 Rudi Kraus
 0825613720
 028/3121879

From: planactive@maxitec.co.za <planactive@maxitec.co.za>
Sent: Friday, January 16, 2026 2:13 PM
To: 'R. Kraus' <rudolfk@icon.co.za>; 'Jaco' <jaco@cozainvestments.com>
Cc: 'Pauline' <pauline@planactive.co.za>
Subject: RE: Erf 12308, Westcliff - Applicant to reply to comment

Good afternoon Mr. Kraus, thank you for your email below.

We have managed to set up a meeting at the Municipal Planning Department, scheduled for 22 January 2026 at 10:00. Kindly confirm whether this date and time meet with your approval.

@Jaco – Kindly confirm whether this date and time meet with your approval.

Kind regards,
 John Mc Lachlan
 Tch.Pl n B/8250/2014
 MSAPI Nr.10908



Tel: 028 313 1673
 web: www.planactive.co.za



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From: R. Kraus <rudolfk@icon.co.za>

Sent: 16 January 2026 11:27 AM

To: planactive@maxitec.co.za

Subject: RE: Erf 12308, Westcliff - Applicant to reply to comment

Dear Mr. Mc Lachlan

Thank you for the invitation. I will gladly join you for a meeting, best is to meet in person, probably at the Town Planning department.

The best time to meet would be Monday, Wednesday, Thursday or Friday mornings.

Looking forward to meeting you,

Kind regards

Rudi Kraus

The Gables

0825613720

028/3121879

From: planactive@maxitec.co.za <planactive@maxitec.co.za>

Sent: Thursday, January 15, 2026 4:32 PM

To: rudolfk@icon.co.za

Cc: 'Jaco' <jaco@cozainvestments.com>; 'Pauline' <pauline@planactive.co.za>

Subject: FW: Erf 12308, Westcliff - Applicant to reply to comment

Dear Mr. Kraus,

I trust you are well.

We refer to the attached objection you submitted in respect of the proposed development on Erf 12308 Hermanus. We, including the developer, Mr. Jaco Claasen, would like to request a meeting with you to discuss your concerns in more detail and to clarify any aspects of the application that may require further engagement.

Kindly advise your availability over the next week, and your preferred meeting format (in person or online), so that we can schedule a suitable time.

We look forward to engaging with you constructively.

Kind regards,

John Mc Lachlan
Tch.Pl n B/8250/2014
MSAPI Nr.10908



Tel: 028 313 1673

web: www.planactive.co.za



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From: Alida Conradie <alida@overstrand.gov.za>

Sent: 07 January 2026 10:36 AM

To: planactive@hermanus.co.za

Subject: Erf 12308, Westcliff - Applicant to reply to comment

Dear John

APPLICANT TO REPLY TO COMMENT

ERF 12308, WESTCLIFF: APPLICATION FOR DEPARTURE AND AMENDMENT OF APPROVED SITE DEVELOPMENT PLAN

The above application refers.

Attached please find a copy of one (1) letters of objection forthcoming the public participation process.

 R Kraus

Kindly provide this municipality with a written reply within 30 days of this email.

Arrangements can be made, prior to the 30 days lapsing, for a further period agreed upon with the municipality for the submission of your response to the comment received.

Notes:

- Comment from three (3) internal departments are still outstanding. Reminders have been sent in this regard.

Kind Regards

Alida Conradie

Administrative Officer, Town- and Spatial Planning

Directorate: Planning & Development, Overstrand Municipality, Hermanus

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Vision Statement: "To be a centre of excellence for the community"

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17 August 2026

The Municipal Manager
Overstrand Municipality
1 Magnolia Street
HERMANUS, 7200



FILE NO. ERF 12308 ✓
Westcliff
SCAN NO.
COLLABORATOR NO.
3135885

BOTANICAL COMMENT

Proposed development of and potential presence of *Gethyllis afra* (kukumakranka) on Erf 12308, Hermanus

The botanical comment below was requested by Mr Jaco Claassens of Coza Investments (Pty) Ltd. Mr Claassens asked for an independent botanical survey to determine if any *Gethyllis afra* (kukumakranka) plants are present on site. The undersigned who was briefly accompanied by Mr Claassens visited the site on 13 August 2026. According to the latter, kukumakranka plants were originally found inside an area encircled by rocks. Special attention was paid to this area. However, the rest of the property was also scanned for plant species of interest or importance. The property, which is located in the centre of Hermanus, has been earmarked for a hospital development. **Please note** that the undersigned will not accept liability for any loss or damage arising from this comment.

Biodiversity Planning Context

The site is located inside a heavily transformed/modified urban environment, surrounded by a residential area and hospital. The 2018 Vegetation Map of South Africa has mapped the vegetation that originally occurred here as endangered Overberg Sandstone Fynbos (**Figure 1**). Threatened plant species data suggest that invasive species, overgrazing and changed fire regimes are notable threats of the vegetation type¹. The site also falls inside the Western Cape biodiversity network, with a large part mapped as a degraded terrestrial critical biodiversity area (CBA2) (**Figure 2**). The edges of the site were incorrectly mapped as a terrestrial critical biodiversity area (CBA), suggesting that relatively undisturbed fynbos is still present here. The person(s) responsible for the biodiversity network (CBA) map probably took a cautionary approach by assuming that Overberg Sandstone Fynbos could still be present on site.

¹ [Ecosystem Detail - Biodiversity BGIS](#)



Figure 1: Extract of the 2018 SA Vegetation map.

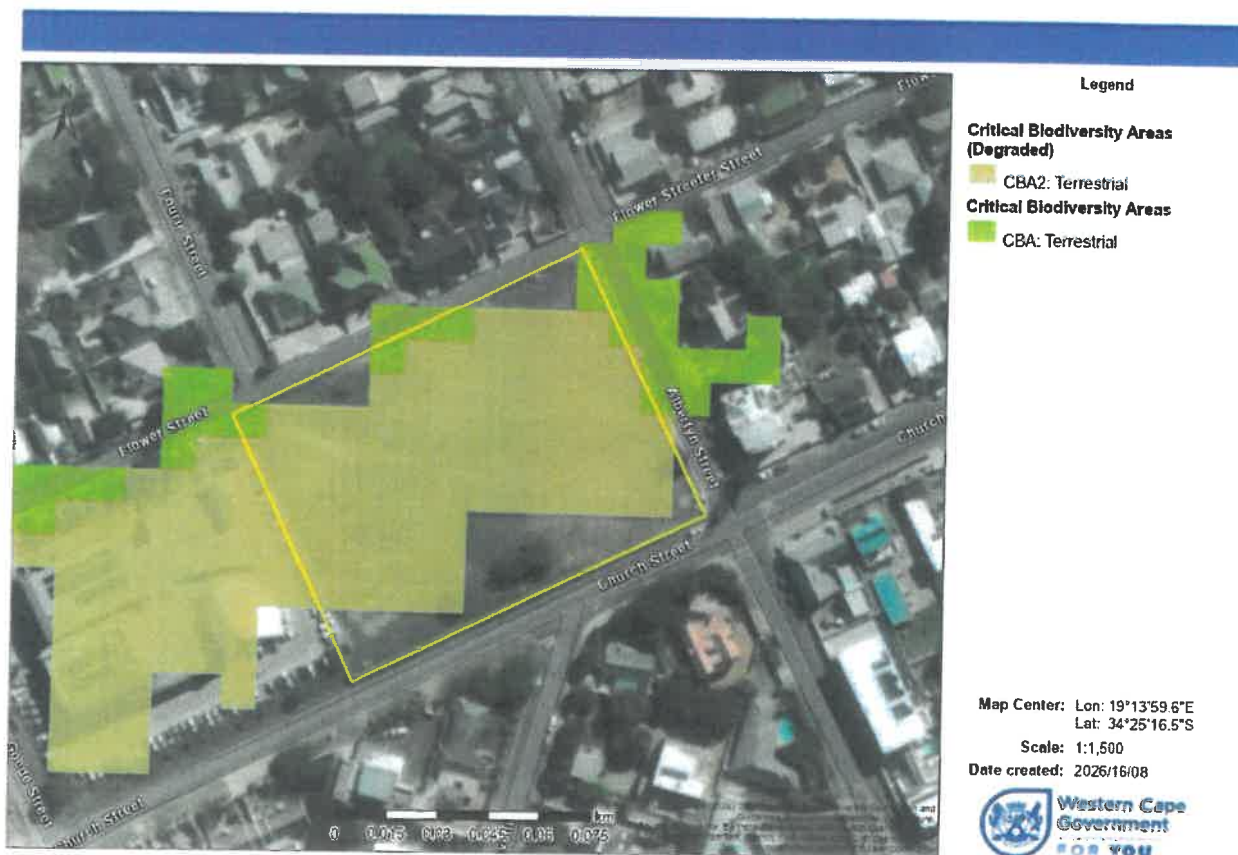


Figure 2: Extract of the Western Cape biodiversity network map.

Findings

The site is highly transformed/modified, with only a few indigenous shrub and geophyte species noted here and there (**Figure 3**). The site, which resembles a public park or grassland, is predominantly covered by grasses and weeds. Indigenous species recorded include *Searsia lucida*, *Delosperma littorale*, *Carpobrotus edulis*, *Drosanthemum intermedium*, *Pelargonium triste*, *Oxalis obtusa*, *Trachyandra ciliata*, *Bulbine annua*, *Haemanthus sanguineus* and *Romulea rosea* (**Figure 4**). *Trachyandra ciliata* is especially common. A few species are worth salvaging (for replanting in a suitable receiving area), such as *Carpobrotus edulis*, *Pelargonium triste*, *Trachyandra ciliata*, *Bulbine annua* and *Haemanthus sanguineus*. With regards to the possible presence of *Gethyllis afra*, no evidence of this species was found. The dominance of grasses and weeds makes detection very difficult or impossible as it is not currently in flower. It flowers from November to January. It will then be recognized by its conspicuous white flowers which are carried close to the ground. At other times of the year its slightly twisted leaves may be detected. The area encircled by rocks revealed a sandstone outcrop populated by the vygie *Delosperma littorale*. The site revealed only one Species of Conservation Concern, namely *Babiana nana* ssp. *maculata*. It is listed as Near Threatened and was recorded by another observer close to the northern boundary of site². Otherwise, the site does not present a suitable habitat for threatened species.



Figure 3: Typical view of site mainly populated by grasses and weeds.

²[Subspecies *Babiana nana maculata* from Hermanus, 7200, South Africa on September 09, 2024 at 03:18 PM by Jaco Nieman - iNaturalist](#)



Figure 4: A few indigenous species recorded on site, with *Bulbine annua* (top left), *Delosperma litorale* (top right), *Searsia lucida* (bottom left) and *Drosanthemum intermedium* (bottom right).

Conclusion

The site is highly transformed or modified by past anthropogenic activities and does not accommodate significant 'indigenous vegetation' as per definition, despite the presence of a few indigenous shrub and geophyte species. It is also unlikely that any threatened species, other than *Babiana nana* ssp. *maculata*, will occur here for the above reason. Also, no evidence of the presence of *Gethyllis afra* (kukumakranka) was found. The closest known (iNaturalist) record of the latter is in Fisherhaven, north of Hawston. With regards to mitigation (if the site is to be developed), it is recommended that suitable plants be salvaged for replanting in a suitable area where it can be protected.

Prepared by:

Mark Berry PhD, Pr Sci Nat (registered ecologist, reg. no. 400073/98)



Re: Erf 12308 Hermanus - Medical Facility - DRINGEND

From Liezl de Villiers <ldevilliers@overstrand.gov.za>

Date Fri 21-Aug-26 11:32 AM

To Brady Minnaar <bminnaar@overstrand.gov.za>

Cc Penelope Aplon <paplon@overstrand.gov.za>; Heloise Fortune <hfortune@overstrand.gov.za>; Mlondolozzi Sandi <enviroadmin@overstrand.gov.za>

1 attachment (1 MB)

Botanical comment on Erf 12308, Hermanus - Aug 26.pdf;

Dear Brady

The Environmental Division hereby has no further comments and agree with the botanical report.
Kind regards,

Ms Liezl de Villiers

Divisional Manager: Environmental Management and Conservation

Overstrand Municipality

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**"WE CANNOT TURN BACK TIME BUT WE CAN BE THE GENERATION THAT MAKES
PEACE WITH NATURE"**

From: Brady Minnaar <bminnaar@overstrand.gov.za>

Sent: Thursday, August 20, 2026 4:19 PM

To: Liezl de Villiers <ldevilliers@overstrand.gov.za>

Subject: Fw: Erf 12308 Hermanus - Medical Facility - DRINGEND

Hi Liezl,

Sien aangeheg.

Kind regards

Brady Minnaar

Town Planner



Overstrand Municipality

A 16 Paterson Street, Hermanus, 7200 | P.O Box 20, Hermanus, 7200

T [+27 \(0\) 28 313 8900](tel:+27283138900)

E bminnaar@overstrand.gov.za

To be a centre of excellence for the community"

From: jaco@cozainvestments.com <jaco@cozainvestments.com>

Sent: Monday, August 17, 2026 6:12 PM

To: Brady Minnaar <bminnaar@overstrand.gov.za>; 'Pauline' <pauline@planactive.co.za>;