

**AGENDA of the
Portfolio Committee : Planning & Development
20 October 2026
(Also the agenda for the Mayoral Committee Meeting : 27 October 2026)**

5.

**TRANSFER OF UNREGISTERED ERF 12894 HERMANUS, A PORTION OF
REMAINDER ERF 249 (CLOSED UNUSED ROAD), ADJACENT TO ERF 6135
HERMANUS, SITUATED IN CLIFF ROAD, HERMANUS TO D & P TURPIE**

A Le Roux

Divisional Manager: Property Management

29 September 2026

(028) 316 5623

1. Executive Summary

To obtain final approval for the transfer of Unregistered Erf 12894 Hermanus (446m² in extent), being a portion of Remainder Erf 249 Hermanus, adjacent to Erf 6135 Hermanus, situated at 18 Cliff Road, Hermanus to the owners of the adjoining property, D & P Turpie, hereinafter referred to as “the Applicants”, for gardening purposes and the erection of a boundary fence or wall. See the locality maps attached hereto marked “Annexures A1 & A2”.

2. Service Delivery and Budget Implementation Plan - IGNITE

Planning and Development
Property Management

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Creation and maintenance of safe and healthy environment

4. Delegated Authority

None

5. Legal Requirements

- Local Government: Municipal Finance Management Act (Act 56 of 2003) (“MFMA”)
- Municipal Asset Transfer Regulations (R. 878 of 2008)
- Administration of Immovable Property Policy of the Overstrand Municipality (2015)

6. Background/Discussion/Evaluation/Conclusion

Background/Discussion

Council approved the following on 27 August 2025:

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- “1. that the direct alienation of a portion of a portion of Remainder Erf 249 Hermanus ($\pm 446\text{m}^2$) in extent), situated next to 18 Cliff Road, Hermanus, to the owners of the adjoining Erf 6135 Hermanus, P & D Turpie, at an amount of R2000.00/m² (TWO THOUSAND RAND PER SQUARE METRE) (VAT excluded) for security and gardening purposes, be approved in principle;*
- 2. that it be noted that the direct alienation is possible as the portion of Remainder Erf 249 Hermanus can be classified as a non-viable property;*
- 3. that, subject to the approval in 1 above, a public participation process be followed at the cost of the Applicants/purchasers;*
- 4. that it be noted that a condition for the alienation will be that the portion of Remainder Erf 249 Hermanus must be consolidated with the adjoining property of P & T Turpie;*
- 5. that the Applicants/purchasers must at own cost, simultaneous with the transfer of the portion of the Remainder Erf 249 Hermanus, register a service pipeline servitude that runs parallel with the property boundary, in favour of the Municipality, for the protection of the existing municipal infrastructure;*
- 6. that the property may only be used for gardening purposes and no further structures of any kind (excluding a boundary wall or fence) may be erected on a portion of Remainder Erf 249 Hermanus, which conditions must be registered against the title deed of the consolidate property;*
- 7. that the alienation of the portion of remainder Erf 249 Hermanus be subject to a suspensive condition that the Applicants/purchasers obtain approval for all the required land use rights, which may include, the closure of a portion of road, subdivision, rezoning and consolidation;*
- 8. that all costs pertaining to the transaction, e.g. application costs, valuation costs, closure of a portion of road, subdivision, rezoning and consolidation, the required public participation, transfer and related costs, etc. be paid by the Applicants/purchasers, P&D Turpie, and*
- 9. That it be noted that the municipal property herewith envisaged to be alienated is not required for the provision of further basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).”*

The public participation was followed as discussed in more detail below.

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The required land use planning processes have been completed, and all necessary approvals have been obtained. With the subdivision of Remainder Erf 249 Hermanus the portion being alienated was allocated its own erf number, namely, Erf 12984 Hermanus, and the final size confirmed as 446m² in extent. This Property cannot be used independently; thus, the sale and subsequent land use planning approval clearly impose the condition that the new Property must be consolidated with the property of the Applicant, Erf 6135 Hermanus, at the Applicants cost. It will be done simultaneous with the transfer of the Property. See the approved SG Diagram attached hereto as "Annexure B".

Evaluation

A: Administration of Immovable Property Policy of the Overstrand Municipality:

The following conditions of the said Policy will apply:

Paragraph 5: *"The Municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a municipal immovable property needed to provide the minimum level of basic services, save where the transfer is to another organ of state, as provided for in section 14(6) of the MFMA read with Regulation 24 in Chapter 3 of the MATR.*

Although there is a municipal water pipeline located on the Property a condition to the alienation of the Property will be that a service servitude will be registered in favour of the Municipality allowing access to the infrastructure at all times. It was confirmed that the Property is not needed for any further services.

Paragraph 7: *"the transfer of ownership of immovable property must be fair, equitable, transparent, competitive (unless it is not applicable or unpractical e.g. non-viable immovable property) and consistent with the supply chain management policy of the Municipality in accordance with Section 14(5) of the MFMA."*

Non-viable immovable property is defined in the relevant Policy as "a property that, owing to urban planning, physical constraints or extent, cannot be developed on its own or function as a separate entity and can therefore only become functional if alienated or leased to an adjoining owner for usage in conjunction with the said owner's property." The Property can be classified as a non-viable immovable property due to the location, size and proposed use thereof. The Applicants are the only adjoining neighbouring property owners who expressed interest in purchasing the Property for gardening and boundary wall purposes. The

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other neighbouring property owners of Erf 299 Hermanus confirmed in writing that they do not object to the alienation of the Property to the Applicants and have no interest in applying to purchase the Property. The Property is smaller than the minimum developable size of property in the area and can therefore not be used for residential development.

Paragraph 9.2: “The Municipality may transfer ownership or otherwise dispose of a non-viable immovable property, as non-exempted immovable property which can be of no practical use to any other person, directly to adjoining property owner(s), only after the Municipal Council has, in terms of sections 14(2)(a) and (b) of the MFMA:

- (a) decided on reasonable grounds that the non-viable immovable property is not needed to provide the minimum level of basic municipal services;**
 - (b) considered the fair market value of the immovable property and the economic and community value to be received in exchange for the immovable property in accordance with Section 14(2) of the MFMA, and**
 - (c) has as a consequence to 9.2(a) and (b) above approved in principle that the immovable property may be transferred or disposed, provided that, when giving the in principle approval, it is recorded in the minutes the full reasons for the Municipality preferring such direct transfer.”**
- (a) The comments received from the relevant departments indicate that there is a municipal water pipeline located on the Property. A condition to the alienation of the Property will be that a service servitude will be registered in favour of the Municipality allowing access to the infrastructure at all times. It was confirmed that the Property is not needed for any further services.
 - (b) HCB Property Valuations determined the fair market value on 1 June 2025 at an amount of R2,000.00/m² (TWO THOUSAND RAND PER SQUARE METRE) (VAT excluded). The valuation was done taking into consideration the size, locality, zoning and proposed use (restriction) of the Property. The purchase amount will thus be an amount of R892,000.00 (EIGHT HUNDRED AND NINETY-TWO THOUSAND RAND) (VAT excluded).
 - (c) The reasons for the preferred direct sale are discussed above and was recorded in the minutes of the in-principle approval granted by Council on 27 August 2025.

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Paragraph 28: “All costs pertaining to a transaction shall be borne by the successful bidder/purchaser, e.g. survey, advertisements, valuation, rezoning, relocation or provision of services where necessary, etc. The Municipality may, however, waive its right to claim the costs should it be to its advantage to bear the costs.”

The Applicants will be liable for the costs of the transaction which will include, but not be limited to, the application fee, valuation costs, rezoning and consolidation, closure of public road, the required public participation process, registration of a services servitude and transfer costs. The Applicants already paid the majority of the costs as per the approval.

Paragraph 30: “Small areas of land such as closed roads or portions of public place sold to an adjacent owner must be consolidated with the existing property of the adjacent owner, unless circumstances exist which, in the opinion of the Municipality, make such consolidation undesirable.”

A condition to this effect was included in the Deed of Sale.

Paragraph 32: “Save with prior approval, the immovable property alienated may only be used for the purpose for which it was originally sold and purposes permitted by town planning scheme regulations pertaining to such purposes.”

A condition to this effect was included in the Deed of Sale.

Paragraph 34: “A 10% deposit of the agreed/tendered purchase price will be due and payable by the purchaser/successful bidder within 10 days of date of request in writing thereof by the Municipality.”

A condition to this effect was included in the Deed of Sale.

Paragraph 35: “Interest on the purchase price, as from date of signature of the deed of sale, must be charged by the Municipality should payment or transfer be delayed due to an action or failure on the part of the successful bidder/ purchaser.”

A condition to this effect was included in the Deed of Sale.

B. Advertisement/Notification

An advertisement for the closure of a public place, rezoning, consolidation and transfer of the Property was published in the Village

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News on 22 January 2026 for a 30 (THIRTY) day objection/comment period. Five objections and one comment were received.

The objections and comments received were comprehensively addressed in the Municipal Planning Tribunal Report and duly considered by the Municipal Planning Tribunal as the advertisement was published during the land use planning processes mentioned above.

The objectors were informed of the decision made by the Municipal Planning Tribunal on 30 April 2026 which read as follows:

- "1. that the objections **be noted**;*
- 2. that the application in terms of Section 16(2)(n) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the **closure of public place** to accommodate the closure of a public road, being Remainder Erf 249, Hermanus with the extent of $\pm 446\text{m}^2$, **be approved**, in terms of Section 61 of the By-Law;*
- 3. that the application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the **rezoning** of a portion of Remainder Erf 249, Hermanus from Transport Zone 2: Road and Parking to Residential Zone I: Single Residential (SR1), **be approved**, in terms of Section 61 of the By-Law;*
- 4. that the application in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the **consolidation** of Erf 6135, Hermanus and a portion of Remainder Erf 249, Hermanus to create a single residential property of $\pm 1281\text{m}^2$ in extent, **be approved**, in terms of Section 61 of the By-Law;*
- 5. that the approvals in Points 2. to 4. above be subject to the following conditions:*
 - (a) that a revised subdivisional plan be submitted to reflect a three (3) metre wide services servitude be submitted to the Town & Spatial Planning Department for approval;*
 - (b) that all the conditions in the Services Report and Property Administration Department be complied with;*
 - (c) that all conditions stipulated in Council's decision, dated 27 August 2025 be complied with;*

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- (d) *that a 3m right of way servitude be registered over the consolidated property, parallel with the northeastern boundary simultaneous with the registration of the consolidation of Erf 6135 and Erf 249 Hermanus; and*
 - (e) *that the applicant be responsible for the payment of all costs in connection with the property transaction, including the costs pertaining to the registration of the consolidated property and servitude.*
6. *that the application in terms of Section 26 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the **exemption of subdivision/consolidation** to allow a 3m wide services servitude along the northeastern boundary of a portion of Remainder Erf 249, Hermanus, **be approved**, in terms of Section 61 of the By-Law;*
 7. *that the amended title deed be submitted to the Town & Spatial Planning Department for record purposes; and*
 8. *that the applicant and objectors be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval."*

They were further informed of their right to appeal to the Appeal Authority in terms of Section 78(2) of the By-law. No appeals were however received.

For purposes of transparency and completeness, the key issues raised and applicable to the alienation of the Property will, however, be discussed below. The full objections and comment are attached as "Annexure C1- C7".

Objections:

E Potgieter

"I am the registered owner of Erf 111, which is directly affected by the proposed sale of a servitude over Erf 249 to the owner of Erf 6135. I hereby lodge a formal objection to this proposed transaction. The proposed sale must be viewed in the context of the approved and anticipated development on Erf 6135, which will already result in the loss of approximately 90% of my existing sea view. The alienation of the servitude over Erf 249 would eliminate the last remaining portion of sea view available to my property, resulting in a material and permanent loss

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of amenity. This sale will directly implicate the value of my property and my access to the cliff path.

1. Loss of Amenity and Property Rights

While there is no absolute right to a view, South African planning law recognises the protection of existing amenity and the principle that development and land disposal decisions must not impose unreasonable or disproportionate harm on neighbouring properties. The cumulative impact of the development on Erf 6135 together with the sale of the servitude over Erf 249 creates exactly such an outcome. The proposed sale would confer a private benefit on the owner of Erf 6135 at the direct expense of neighbouring landowners, including myself, without sufficient public interest justification.

2. Conflict with SPLUMA Principles

Section 7 of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) requires that all land use and land disposal decisions promote:

- Spatial justice – preventing unfair advantage to one landowner over others;*
- Spatial sustainability – protecting existing neighbourhood character and environmental assets;*
- Efficiency and good administration – avoiding decisions that create foreseeable disputes and long-term planning conflicts.*

The sale of this servitude undermines these principles by enabling overdevelopment, eroding established amenity, and setting an undesirable precedent for the disposal of servitudes that function as de facto development extensions.

3. Precedent and Planning Integrity

Although the advertisement may state that the servitude is intended for limited purposes such as gardening or security, such assurances are not permanent land-use controls. Once sold, the servitude becomes a real right, and future applications or incremental intensification may follow. Council would have limited ability to reverse the consequences of this decision. Approving the sale would therefore compromise the integrity of the planning framework and expose Council to future objections and disputes.

4. Public Interest Considerations

Municipal land and servitudes are held in trust for the public. Their disposal must demonstrably serve the broader public interest, not merely enhance the development potential or value of an adjacent private erf. In this instance, no clear public benefit has been demonstrated that outweighs the significant negative impact on surrounding properties.

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5. Request

- *For the reasons set out above, I respectfully request that Council:*
- *Refuse the proposed sale of the servitude over Erf 249; or at minimum, defer the decision pending a full assessment of cumulative visual, spatial, and amenity impacts on affected neighbouring properties.*

I trust that Council will give due consideration to the long-term planning implications, fairness, and legal principles applicable to this matter.”

VY Calvert

- “1. The rezoning prohibits access from my property to the Cliff Path, and the sea view.*
- 2. If the municipality rezones state owned land and open spaces for building use, then Hermanus open spaces will no longer be what open spaces are intended for. One approval will lead to another until the entire Hermanus will be cluttered with huge buildings.”*

M Clark

“I wish to object to the closure of public place, rezoning and consolidation in respect of the two abovementioned erven.

The walkway between Westcliff Road and Cliff Road is well used by people wishing to access the Cliff Path. May I suggest that only a portion of the remainder of Erf 249 be sold and consolidated leaving an alley way for the use of pedestrians. This would not create a precedent as there is already an alley running from Smuts Avenue to Westcliff Road (between erf 386 and 387 and between erf 378 and 368). This continues from Westcliff Road down to the cliff path between erf 359 and 361.

I would appreciate it if my suggestion could receive serious consideration.”

CY Dreyer

- *“Expropriation of land should not be allowed without good reason. The new owners were aware of the extent of the land for sale and bought it as such. It seriously concerns us that Town Planning would even consider selling this servitude and in so doing setting a precedence.*
- *The further concern is that the ratio per square meter is substantially lower than what was paid for the property – why !!*
- *The servitude is used by people walking through from Westcliff Road onto the access way to the Cliff Path.”*

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A Hopgood

"I am a neighbour at 76 Westcliff Rd and received the notification via your email. My erf number is 110. Unfortunately, you have sent me an Adobe document which I cannot edit in a sensible manner. Hence my Objection is noted in this email.

Objection to sale of Public Land to an individual property owner:

The Overstrand Municipality is a public institution and owns land on behalf of all the residents and ratepayers of the Overstrand Municipal Area. Accordingly, its primary duty is to serve the interests of the entire community and in this particular respect, the residents of the suburb of Westcliff. The sale of public land to an individual landowner is not a mandate and / or power that can be assumed the Municipal Council has been granted in terms of its establishment, without a sufficient public interest purpose to be noted. One of the primary arguments that can be put forward in this matter is there is a potential decision of the Municipality to favour the interests of one particular landowner over the wider interests of the community. The particular piece of land is used a walkway through to the coastal footpath and this use accords with its land use as a parking area. There is no sufficient cause to alter the land use for which it was established, and it is quite apparent that the sale of this piece of municipal land (held by the Municipality on behalf of the entire community and for the use of the entire community) is to serve the interests of one particular landowner. A further ground to object to the sale of the land is the arbitrary value determined for this piece of land – R2000 per square metre. It is quite apparent that even if it could be argued that the Municipality should sell municipal land held in the public interest that this price is completely inadequate. This further indicates that the Municipality has not considered its fiduciary duties in terms of the Public Finance Management Act where it may not enter into a financial transaction such as the sale of land without determining the market value of such land and ensuring that this value is realised in the sale. One questions whether a sworn valuation of the piece of land was obtained from a registered professional valuator taking into account the sale price. Regardless of whether any restrictions are placed on the erf that the Municipality wishes to sell to D & P Turpie, the key point remains that the land will pass from the ownership of a public body to a private person with all the attendant rights of private land ownership. This cannot be the seen as the Municipality taking its responsibility to the wider community of Overstrand and Westcliff suburb as its paramount concern. Accordingly, I wish to record my strong objection to this sale transaction and as well as the change in land use."

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Comment:

L Venter

"I am not objecting against the principle that a garden is made, but the property therefore almost get doubled against I assume fair price, though owner of Erf 6135 (which we haven't met yet) paid almost three times more for plot 249..."

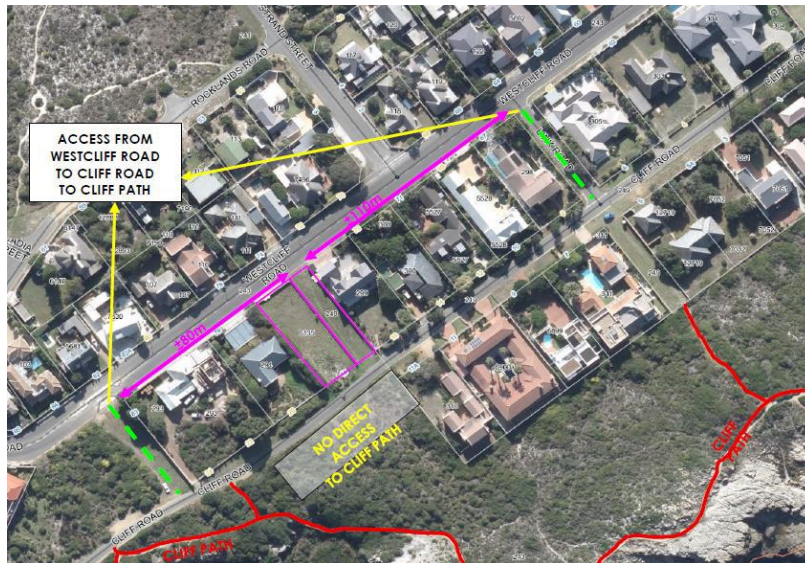
Objection Point 1: Loss of public access and pedestrian movement

Applicant's response:

"Several comments raised concern that the proposal will restrict pedestrian movement between Westcliff Road, Cliff Road, and the coastal walkway. Objectors indicated that the Remainder of Erf 249, Hermanus is currently being used by pedestrians as an informal route toward the coastline. It is acknowledged that the land is currently accessible to the public as it forms part of municipal land. The area in question is however not a constructed road or formal pedestrian walkway. It forms part of the Road reserve that was historically planned but never developed as a roadway. The portion therefore exists as an undeveloped grassed strip of public land and does not constitute a designated pedestrian access route.

The Overstrand Municipality has assessed the land and confirmed that this portion of the road reserve is not required for the operation, upgrading, or future extension of the Road, and Council has subsequently approved the disposal of the land subject to the required statutory planning processes. The proposed closure and consolidation are therefore consistent with the Municipality's assessment that the land is surplus to its public infrastructure requirements. While the land may currently be used informally by pedestrians due to its public ownership, the proposal will not remove formal access to the coastline or coastal walkway. Established public access points remain available within the surrounding area refer to the figure below, including access routes located further along the road network in close proximity to the site. These access points will continue to provide convenient pedestrian connections to the cliff path at strategic points closer to access the cliff path directly.

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The proposal therefore relates only to the consolidation of a surplus portion of undeveloped road reserve with the adjoining residential property and does not result in the closure of any formal public access route or recognised pedestrian connection to the coastline. Public access to the coastal walkway will remain available through the existing network of designated access points within the area.”

Property Management’s Comments: We are in agreement with the Applicants that the alienation of the Property does not restrict the public’s access to the Cliff path and as indicated above there are more direct routes open and accessible to the public to be used to gain access to the Cliff path.

Objection point 2: Loss of public open space

Applicant’s response:

“Several comments received during the public participation process raised concern that the proposal would result in the loss of public open space, with objectors indicating that the land should remain available for community use rather than being transferred into private ownership.

It is important to clarify that the land forming the Remainder of Erf 249, Hermanus is not zoned or designated as public open space. The property is currently zoned Transport Zone 2: Road and Parking and forms part of the road reserve. As outlined in the application, the portion identified for disposal is an undeveloped section of the road reserve that lies outside the constructed roadway and does not serve a recreational, environmental, or public open space function. The Overstrand Municipality has assessed the land and determined that this portion of the road reserve is not required for road infrastructure purposes, and Council has in principle approved the disposal of the land subject to the

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required statutory planning processes. The proposal therefore does not involve the alienation of land formally designated for public open space or conservation purposes. Furthermore, the land does not contain any facilities or features typically associated with public open space, such as landscaped areas, recreational infrastructure, public seating, or formalised pedestrian spaces. Its current condition as an undeveloped grassed strip of road reserve does not provide a structured or intended recreational benefit to the broader community.

The proposal therefore represents the rationalisation of a surplus portion of municipal road reserve rather than the loss of functional public open space. The closure and consolidation of the land with the adjoining residential property will not reduce the availability of public parks, recreational areas, or designated open spaces within the neighbourhood.”

Property Management's comments: The Property is not zoned for public open space purposes, nor is it formally laid out or designated for use as a public open space. The Property was originally created to form part of the road reserve. It has subsequently been established that the road will not be developed and that the Property is not required for future municipal use. Accordingly, the argument that the alienation of the Property would contribute to the loss of public open space in the area is not valid. The Property does not constitute an existing public open space and is neither zoned nor formally designated for such use. The alienation of the Property would therefore not result in the loss of an existing public open space.

Objection Point 3: Disposal of municipal land and public interest

Applicant's response

“Several comments raised concerns regarding the disposal of municipal land, questioning whether the Municipality should dispose of the land, whether the process is fair, and whether the transaction benefits a private landowner at the expense of the public. The disposal of municipal land is regulated by the Overstrand Municipality in accordance with applicable legislative and administrative processes governing the alienation of municipal property. In this instance, the Municipality assessed the Remainder of Erf 249, Hermanus and determined that the portion forming part of the undeveloped road reserve is not required for additional municipal infrastructure or future road purposes. Council has subsequently approved the disposal of the land, subject to the required statutory planning processes, including the closure of the public place, rezoning, and consolidation. The land use application before the Municipality does not determine whether the land should be sold but rather facilitates the planning approvals required to implement Council's decision. These approvals include the closure of the public place, the

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rezoning of the land to Residential Zone 1, and its consolidation with the adjoining Erf 6135, Hermanus.

Concerns relating to the price of the land should also be viewed within the context of the limited development potential of the portion being disposed of. Once consolidated with Erf 6135 Hermanus, the land will form part of the residential property's garden area and will not function as a separate developable erf. No additional dwelling rights or development opportunities are created through the proposal. The land will therefore only be used for ancillary residential purposes such as gardening, pedestrian access within the property, and the erection of a boundary wall or fence. The Municipality will receive compensation based on a valuation conducted by a registered professional valuer, ensuring that the disposal takes place at a market related value that reflects the actual use and limitations of the land. The transaction therefore takes into account the fact that the land cannot be independently developed and will merely become part of the adjoining residential property. The disposal of the land therefore represents the responsible management of surplus municipal property, where land that no longer serves a public infrastructure function is transferred in a controlled and lawful manner, while ensuring that the Municipality receives appropriate compensation and that the land continues to be maintained as part of the surrounding residential environment. It is also important to note that should the public be concerned with the sale, an objection should have been submitted to the Property Management Division."

Property Management Comments: The statement that the Municipality would be favouring the interests of a particular landowner over those of the broader community is not supported by the facts. The proposed alienation is subject to the applicable municipal policy, legislative requirements and prescribed public participation process. The disposal is being considered on the basis that the Property is not required for future municipal use.

The objectors further argue that the proposed purchase price of R2,000.00/m² (TWO THOUSAND RAND) per square metre is inadequate and that the Municipality is required to determine the market value of the Property. The Municipal Asset Transfer Regulations require the Municipality to have regard to the value of a municipal capital asset and the regulations recognise the valuation principle, namely that a value must be attached to the transfer or disposal of a municipal capital asset in order to ensure that the interests of the Municipality and its stakeholders are not prejudiced.

It should further be noted that the objector incorrectly refers to the Public Finance Management Act in relation to the Municipality's disposal of the Property. The applicable municipal financial framework is principally

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governed by the Municipal Finance Management Act and the Municipal Asset Transfer Regulations. The Regulations specifically regulate the transfer and permanent disposal of municipal capital assets and include safeguards intended to ensure that the Municipality's interests and those of its stakeholders are not prejudiced.

Nevertheless, as confirmed above in this report, HCB Property Valuations determined the fair market value on 1 June 2025 taking into consideration the size, locality, zoning and proposed use (restriction) of the Property. The final purchase amount will be an amount of R892,000.00 (EIGHT HUNDRED AND NINETY-TWO THOUSAND RAND) (VAT excluded).

Objection Point 4: Impact on views

Applicant's response

"Several comments raised concerns that the proposal may obstruct views toward the ocean, affect the visual character of the coastal area, or negatively impact views currently experienced from neighbouring properties. The proposal involves the closure and consolidation of the Remainder of Erf 249, Hermanus with the adjoining Erf 6135 Hermanus. Once consolidated, the portion will form part of the existing residential erf and would only be used for gardening purposes. The only structure that will be allowed is a boundary fence or wall, which is permitted in terms of the Overstrand Municipal Land Use Scheme. It is important to note that the proposal does not introduce any additional building rights or development potential beyond those already applicable to Erf 6135 Hermanus, which is zoned Residential Zone 1: Single Residential. No additional dwellings or buildings are proposed on the portion of land being consolidated, and the area will not accommodate structures that would materially alter the existing built form of the neighbourhood.

Furthermore, the Remainder of Erf 249 Hermanus currently forms part of a road reserve and is located at ground level adjacent to the existing property. The consolidation of this land will not alter the topography or introduce built structures of a scale that could reasonably obstruct views toward the coastline. The erection of a standard residential boundary wall or fence is a common feature within the surrounding residential area and is not expected to materially impact broader views within the neighbourhood. The proposal therefore does not introduce development of a nature or scale that would compromise the visual character of the area or result in a meaningful obstruction of coastal views. The surrounding residential character and visual qualities of the Westcliff area will remain unchanged."

Property Management's comments: As explained by the Applicants, there is a restriction that will be registered in the title deed of the

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Property, which will prohibit the Applicants from building or erecting any structures (except for a boundary wall or fence) on the Property. There will thus not be any structure or building which can have any impact on the neighbouring owner's views.

Objection Point 5: Additional studies or investigations

This issue was sufficiently addressed in the Municipal Tribunal Report and the Town Planner, Mr B Minnaar, commented as follows in the report: *"The application submitted is in line with the various legislative processes and has complied with the relevant requirements to the satisfaction of the municipality in relation the land use planning application."*

Conclusion

It is recommended that the transfer of the Property to the Applicant at a market related amount of R892,000.00 (EIGHT HUNDRED AND NINETY-TWO THOUSAND RAND) (VAT excluded) for gardening purposes and the erection of a boundary fence or wall, be approved.

7. Financial Implications

The Municipality stands to gain an income of R892,000.00 (EIGHT HUNDRED AND NINETY-TWO THOUSAND RAND) (VAT excluded) for the sale of the Property.

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Divisional Manager: Expenditure, Fleet & Asset Management - Mr J Vorster

"The Remainder of Erf 249 Hermanus (466m² in extent), situated at 18 Cliff Road, Westcliff, Hermanus is reflected in the Fixed Asset Register for PPE Land, as part of the global Erf 249, at a total carrying value of R7'000'000-00 (SEVEN MILLION RAND) as on 30 June 2026. As soon as the proposed alienation has been concluded the portion of the erf will have to be written out of the fixed asset register at the applicable selling price in order to account for the actual gain / (loss) on the disposal of the portion of an asset. There is no objection against the proposed alienation as the application complies with the Administration of Immovable Property Policy."

**AGENDA of the
Portfolio Committee : Planning & Development
20 October 2026
(Also the agenda for the Mayoral Committee Meeting : 27 October 2026)**

10. Annexures

Annexures A1 & A2: Locality maps
Annexure B: SG Diagram
Annexure C: Objections & Comment

RECOMMENDATION TO THE COUNCIL:

1. that the objections be dismissed on the grounds discussed in this report;
2. that the transfer of Unregistered Erf 12894 Hermanus, being a portion of Remainder Erf 249 Hermanus, adjacent to Erf 6135 Hermanus, situated at 18 Cliff Road, Hermanus, to D & P Turpie, the owners of the adjoining property, for gardening purposes and the erection of a boundary fence or wall, at an amount of R892,000.00 (EIGHT HUNDRED AND NINETY-TWO THOUSAND RAND) (VAT excluded), **be approved**;
3. that Council **take cognisance** of the fact that the direct alienation and subsequent transfer is only approved as unregistered Erf 12894 Hermanus is classified as a non-viable property;
4. that it **be noted** that a condition of the alienation will be that the unregistered Erf 12894 Hermanus must be consolidated with the adjoining property of D & P Turpie, being Erf 6135 Hermanus;
5. that the Applicants/purchasers must at own cost, simultaneous with the transfer of unregistered Erf 12894 Hermanus, register a services pipeline servitude that runs parallel with the property boundary, in favour of the Municipality, for the protection of the existing municipal infrastructure;
6. that a condition be registered against the title deed of the to be consolidated property that the portion of property envisaged to be transferred may only be used for gardening purposes and no structures, excluding a boundary fence or wall, may be erected thereon;
7. that all costs pertaining to the transaction, e.g. application costs, valuation costs, closure of public open space, rezoning, subdivision and consolidation, transfer and related costs, advertisements, etc. be paid by D & P Turpie; and
8. that it **be noted** that the municipal property herewith envisaged to be transferred is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

**AGENDA of the
Portfolio Committee : Planning & Development
20 October 2026
(Also the agenda for the Mayoral Committee Meeting : 27 October 2026)**

RESPONSIBLE OFFICIAL:

M ERASMUS

TARGET DATE FOR IMPLEMENTATION :

26 NOVEMBER 2026

TARGET DATE TO INFORM APPLICANT:

26 NOVEMBER 2026

**AGENDA of the
Portfolio Committee : Planning & Development
20 October 2026
(Also the Agenda for the Mayoral Committee Meeting : 27 October 2026)**

5. TRANSFER OF UNREGISTERED ERF 12894 HERMANUS, A PORTION OF REMAINDER ERF 249 (CLOSED UNUSED ROAD), ADJACENT TO ERF 6135 HERMANUS, SITUATED IN CLIFF ROAD, HERMANUS TO D & P TURPIE

A Le Roux **Divisional Manager: Property Management** **(028) 316 5623**
29 September 2026

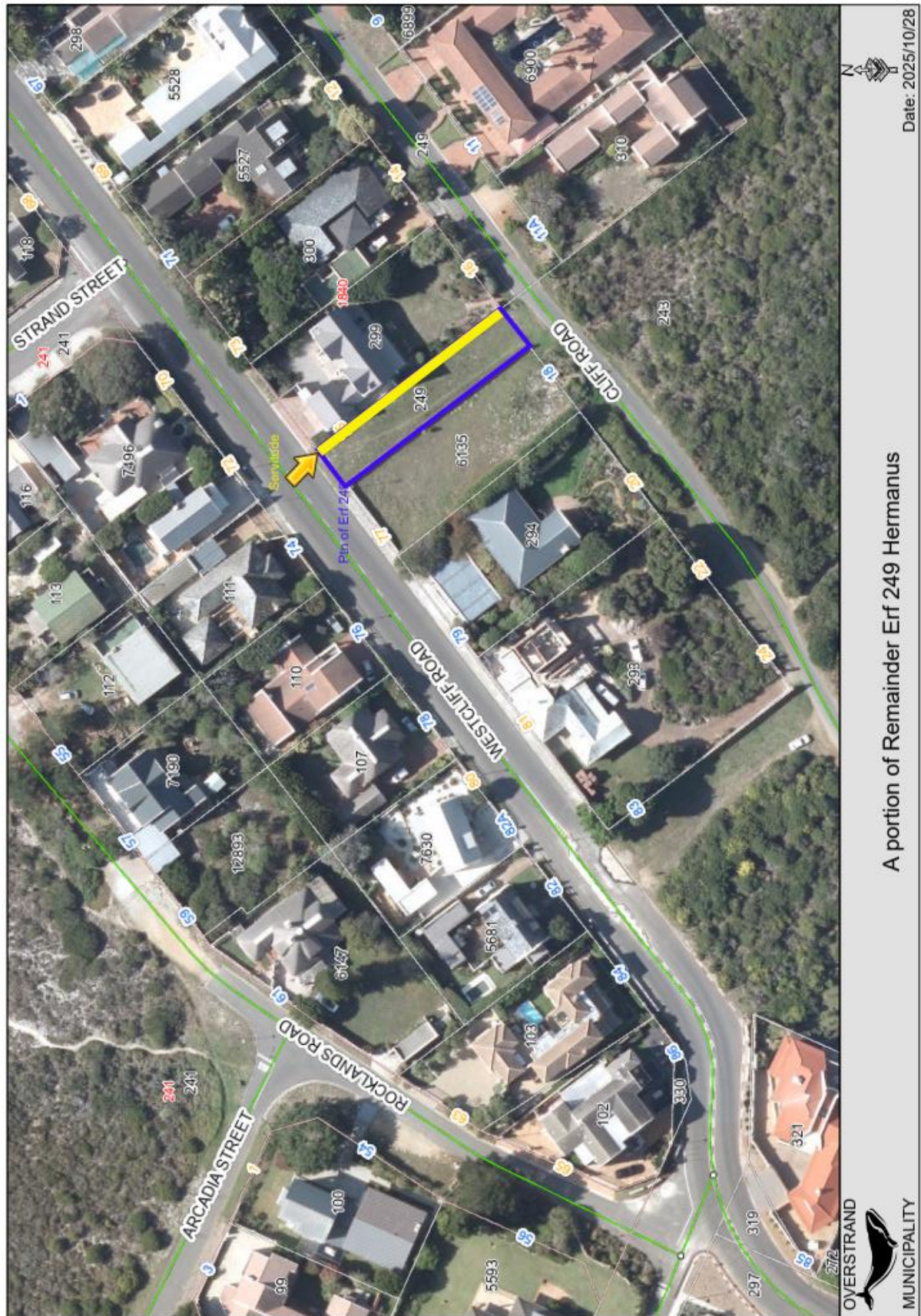
THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON 20 OCTOBER 2026, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:

RECOMMENDATION:

that the item **be referred back**.

RESPONSIBLE OFFICIAL:	M ERASMUS
TARGET DATE FOR IMPLEMENTATION :	26 NOVEMBER 2026
TARGET DATE TO INFORM APPLICANT:	26 NOVEMBER 2026

ANNEXURE A1





ANNEXURE B

VAN DYK & Associates Inc. (V26271) GENERAL PLAN H.34(2) (2738)

DIGITAL REGISTRATION
DOCUMENTfor SURVEYOR GENERAL
DATE 26.08.2026

L.A. van Dyk
PLS No. 1069
Date 16/09/2026
Professional Land Surveyor

I hereby certify that this Digitally approved Deeds Registration Document was extracted by myself from the Digital Registration Document provided by the Surveyor General's office, Cape Town.

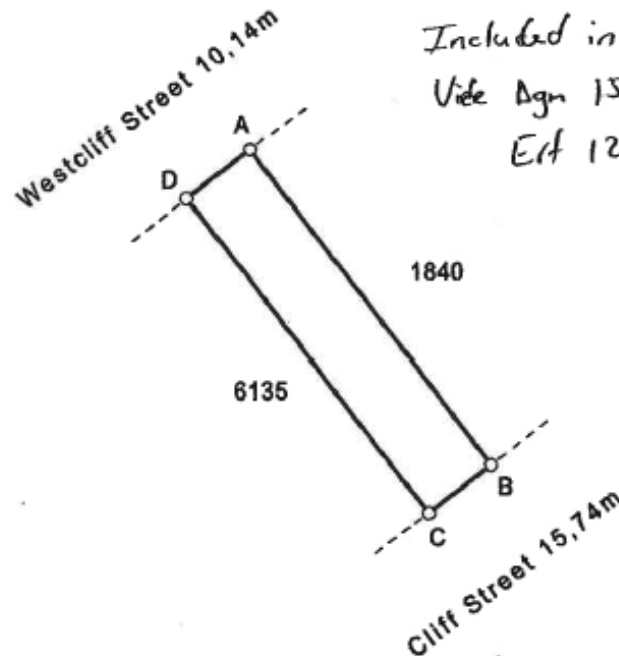
APPROVED SUBJECT TO SIMUL-
TANEOUS REGISTRATION OF
DIAGRAM 15/5/2028
BEING Erf 12985

THIS DIAGRAM REPRESENTS A
CLOSED ROAD

SIDES metres	ANGLES OF DIRECTION	CO-ORDINATES Y System: WG 19° X		SG No. 1574/2026 Approved <i>Koorowlay</i> for SURVEYOR- GENERAL 2026-08-26
		Constants	0,00 +3 800 000,00	
A B	47,28 322.43.30	A	-20 953,37 +11 190,20	
B C	9,44 52.34.20	B	-20 982,00 +11 227,82	
C D	47,23 142.43.30	C	-20 974,50 +11 233,56	
D A	9,45 232.18.20	D	-20 945,89 +11 195,98	
	1G2 ⊕	-20 789,78	+11 265,37	
	2G2 ⊕	-20 990,15	+11 151,96	

BEACON DESCRIPTIONS

- A ... 12mm Iron peg next next to wall corner
B ... 12mm Iron peg
C ... Drill hole in pillar
D ... 12mm Iron peg in concrete



Scale : 1 / 750

The figure ABCD
represents 446 square metres of land, being

Erf 12984* Hermanus * a portion of ERF 249

situate in the Overstrand Municipality
Administrative District of Caledon

Western Cape Province
Surveyed in July 2026 by me

Professional Land Surveyor
Registration Number: PLS 1069

This Diagram is annexed to
No.

Registrar of Deeds

The original diagram is
S.G. No.

B13/1901

Transfer No.

Cdn. F. 2. 14

File: S/2479/150 v.1

S.R. No. 953/2026

Comp AI-3CB/Z51 (460)

General Plan H 34(2) (2738)

LPI No. C0130013

Erf 12984 Hermanus

	DIRECTORATE: PLANNING & DEVELOPMENT TOWN & SPATIAL PLANNING LAND USE PLANNING APPLICATION RESPONSE FORM E-mail to relevant person stipulated on the notice: loretta@overstrand.gov.za / alida@overstrand.gov.za 16 Paterson Street / PO Box 20 HERMANUS, 7200 / Tel: 028 313 8990	
	APPLICATION DETAILS	

Application erf number:

6135 + 249 HWC

APP ID:

How did you receive notice of the application?

STATE YOUR INTEREST IN THE APPLICATION:

TICK RELEVANT BOX	☒	OBJECTION	☒	COMMENT	☐	SUPPORT	☐
REASONS FOR OBJECTION / COMMENT / SUPPORT:							

access

① The rezoning prohibits access from my property to the cliff path, and the sea view.

② If the municipality rezones state^{owned} and open spaces for building use, then hermannus open spaces will no longer be what ~~the~~ ^{are} intended for.

One approval will lead to another — until the entire hermannus will be cluttered with huge buildings.

Feel free to continue onto separate page(s)...

PERSONAL INFORMATION (To be completed in full – Compulsory)	
--	--

Name & surname (PRINT)

Vanessa Yvonne Calvert

Your erf number:

107

Company/Trust details:

Postal address:

78 Westcliff Rd.

Contact details:

Cell:

082 3745822

E-mail address:

vcalvert@gmail.com

Signature:

Date:

13 Feb 2026

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed/used in the application process. Any objection, comment or representation received as a result of a public notice process must be in writing and addressed to the person mentioned in the notice within the time period stated in the notice.

Alida Conradie

From: Michael Clark <mikeclark@hermanus.co.za>
Sent: Monday, 02 February 2026 10:01
To: Alida Conradie
Subject: Erf 6135 and Erf 249 Westcliff, Hermanus.

Dear Madam,

ERF 6135, 18 CLIFF ROAD AND A PORTION OF REMAINDER OF ERF 249 WESTCLIFF HERMANUS.

I wish to object to the closure of public place, rezoning and consolidation in respect of the two abovementioned erven.

The walkway between Westcliff Road and Cliff Road is well used by people wishing to access the Cliff Path.

May I suggest that only a portion of the remainder of Erf 249 be sold and consolidated leaving an alley way for the use of pedestrians.

This would not create a precedent as there is already an alley running from Smuts Avenue to Westcliff Road (between erf 386 and 387 and between erf 378 and 368). This continues from Westcliff Road down to the cliff path between erf 359 and 361.

I would appreciate it if my suggestion could receive serious consideration.

Kind regards,

Michael Clark,
71 Westcliff Road, (12 Cliff Road)
Hermanus 7200
073 462 0533

REKORDBEHEER

06 FEB 2026

DIRECTORATE: PLANNING & DEVELOPMENT
TOWN & SPATIAL PLANNING
LAND USE PLANNING APPLICATION RESPONSE FORM

E-mail to relevant person stipulated on the notice: lorretta@overstrand.gov.za or allison@overstrand.gov.za
 14 Potlatch Street / PO Box 20 HERMANUS, 7200 / Tel: 028 313 7700

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

APPLICATION DETAILS

Application erf number: GRF 6135 + Rem GRF 249 APP ID: _____

How did you receive notice of the application? VIA E-MAIL. TP-A Theart (H Olivier)

STATE YOUR INTEREST IN THE APPLICATION:

I AM A RESIDENT AT 24 CLIFF RD AND OWNER OF SAID PROPERTY.

TICK RELEVANT BOX ☒	OBJECTION ☒	COMMENT	SUPPORT
REASONS FOR OBJECTION / COMMENT / SUPPORT:			
- EXPROPRIATION OF LAND SHOULD NOT BE ALLOWED WITHOUT GOOD REASON. THE NEW OWNERS WERE AWARE OF THE EXTENT OF THE LAND FOR SALE AND BOUGHT IT AS SUCH. - IT SERIOUSLY CONCERNS ME THAT TOWN PLANNING WOULD EVEN CONSIDER SELLING THE SERVITUDE AND IN SO DOING SETTING A PRECEDENCE. - THE FURTHER CONCERN IS THAT THE RATE PER SQUARE METRE IS SUBSTANTIALLY LOWER THAN WHAT WAS PAID FOR THE PROPERTY — WHY!! - THE SERVITUDE IS USED BY PEOPLE WALKING THROUGH FROM WESTCOTE RD ONTO THE ACCESS WAY TO THE CLIFF PATH.			

Feel free to continue on separate page(s)...

PERSONAL INFORMATION (To be completed in full – Compulsory)

Name & surname (print): CARL ANDREW DYER Your erf number: _____

Company/Trust details: _____

Postal address: _____

Contact details: Cell: 083-6464609.

E-mail address: carl.dyer59@gmail.com

Signature: [Signature]

Date: 2/2/2026

FILE NO. ERF 61356
Rem ERF 249-HWC
 SCAN NO. 2973214

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed/used in the application process. Any objection, comment or representation received as a result of a public notice process must be in writing and addressed to the person mentioned in the notice within the time period stated in the notice.

4/7

Alida Conradie

From: Adrian Hopgood <adrian.hopgood@avenggroup.com>
Sent: Friday, 27 February 2026 23:48
To: Alida Conradie
Subject: RE: Erven 6135 and 249, Westcliff - PUBLIC PARTICIPATION - Notification to potentially affected property owner Objection from A P Hopgood - 76 Westcliff Rd

Dear Ms Conradie

I am a neighbour at 76 Westcliff Rd and received the notification via your email. My erf number is 110. Unfortunately, you have sent me an Adobe document which I can not edit in a sensible manner. Hence my Objection is noted in this email.

Objection to sale of Public Land to an individual property owner

The Overstrand Municipality is a public institution and owns land on behalf of all the residents and ratepayers of the Overstrand Municipal Area. Accordingly, its primary duty is to serve the interests of the entire community and in this particular respect, the residents of the suburb of Westcliff. The sale of public land to an individual landowner is not a mandate and / or power that can be assumed the Municipal Council has been granted in terms of its establishment, without a sufficient public interest purpose to be noted. One of the primary arguments that can be put forward in this matter is there is a potential decision of the Municipality to favour the interests of one particular landowner over the wider interests of the community. The particular piece of land is used a walkway through to the coastal footpath and this use accords with its land use as a parking area. There is no sufficient cause to alter the land use for which it was established and it is quite apparent that the sale of this piece of municipal land (held by the Municipality on behalf of the entire community and for the use of the entire community) is to serve the interests of one particular landowner. A further grounds to object to the sale of the land is the arbitrary value determined for this piece of land – R2000 per sq metre. It is quite apparent that even if it could be argued that the Municipality should sell municipal land held in the public interest that this price is completely inadequate. This further indicates that the Municipality has not considered its fiduciary duties in terms of the Public Finance Management Act where it may not enter into a financial transaction such as the sale of land without determining the market value of such land and ensuring that this value is realised in the sale. One questions whether a sworn valuation of the piece of land was obtained from a registered professional valuator taking into account the sale price. Regardless of whether any restrictions are placed on the erf that the Municipality wishes to sell to D & P Turpie, the key point remains that the land will pass from the ownership of a public body to a private person with all the attendant rights of private land ownership. This can not be seen as the Municipality taking its responsibility to the wider community of Overstrand and Westcliff suburb as its paramount concern. Accordingly, I wish to record my strong objection to this sale transaction and as well as the change in land use.

Regards

Adrian Hopgood

Cell:0833205829

Email: adrian.hopgood@avenggroup.com

Alida Conradie

From: Liz Potgieter <lizabethpotgieter@gmail.com>
Sent: Monday, 02 February 2026 15:52
To: Alida Conradie; Madelein Erasmus; Anja le Roux
Cc: Liz Potgieter
Subject: Objection to the sale of erf 249 Hermanus Westcliff

Formal Objection to the Sale of Servitude over Erf 249

To: The Municipal Manager / Planning Department
 Overstrand
 2 Magnolia Avenue

Hermanus

7200

Dear Ms Alida Erasmus and Ms Anja Le Roux

RE: FORMAL OBJECTION TO THE PROPOSED SALE OF SERVITUDE OVER ERF 249 TO THE OWNER OF ERF 6135

I am the registered owner of Erf 111, which is directly affected by the proposed sale of a servitude over Erf 249 to the owner of Erf 6135. I hereby lodge a formal objection to this proposed transaction.

The proposed sale must be viewed in the context of the approved and anticipated development on Erf 6135, which will already result in the loss of approximately 90% of my existing sea view. The alienation of the servitude over Erf 249 would eliminate the last remaining portion of sea view available to my property, resulting in a material and permanent loss of amenity. This sale will directly implicate the value of my property and my access to the cliff path.

1. Loss of Amenity and Property Rights

While there is no absolute right to a view, South African planning law recognises the protection of existing amenity and the principle that development and land disposal decisions must not impose unreasonable or disproportionate harm on neighbouring properties. The cumulative impact of the development on Erf 6135 together with the sale of the servitude over Erf 249 creates exactly such an outcome.

The proposed sale would confer a private benefit on the owner of Erf 6135 at the direct expense of neighbouring landowners, including myself, without sufficient public-interest justification.

2. Conflict with SPLUMA Principles

Section 7 of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) requires that all land use and land disposal decisions promote:

- Spatial justice – preventing unfair advantage to one landowner over others;
- Spatial sustainability – protecting existing neighbourhood character and environmental assets;
- Efficiency and good administration – avoiding decisions that create foreseeable disputes and long-term planning conflicts.

ANNEXURE C 6/7

The sale of this servitude undermines these principles by enabling overdevelopment, eroding established amenity, and setting an undesirable precedent for the disposal of servitudes that function as de facto development extensions.

3. Precedent and Planning Integrity

Although the advertisement may state that the servitude is intended for limited purposes such as gardening or security, such assurances are not permanent land-use controls. Once sold, the servitude becomes a real right, and future applications or incremental intensification may follow. Council would have limited ability to reverse the consequences of this decision.

Approving the sale would therefore compromise the integrity of the planning framework and expose Council to future objections and disputes.

4. Public Interest Considerations

Municipal land and servitudes are held in trust for the public. Their disposal must demonstrably serve the broader public interest, not merely enhance the development potential or value of an adjacent private erf. In this instance, no clear public benefit has been demonstrated that outweighs the significant negative impact on surrounding properties.

5. Request

For the reasons set out above, I respectfully request that Council:

- Refuse the proposed sale of the servitude over Erf 249; or
- At minimum, defer the decision pending a full assessment of cumulative visual, spatial, and amenity impacts on affected neighbouring properties.

I trust that Council will give due consideration to the long-term planning implications, fairness, and legal principles applicable to this matter.

Yours faithfully,

Elizabeth Potgieter

Owner: Erf 111
74 Westcliff drive

Hermanus

7200

Mobile no: 0609946390

ANNEXURE C 7/7

	DIRECTORATE: PLANNING & DEVELOPMENT TOWN & SPATIAL PLANNING LAND USE PLANNING APPLICATION RESPONSE FORM E-mail to relevant person stipulated on the notice: lorcisa@overstrand.gov.za / alida@overstrand.gov.za 18 Petersen Street / PO Box 20 HERMANUS, 7200 / Tel: 028 313 8900	
	APPLICATION DETAILS	

Application erf number:

Erf 6135, 18 Cliff Road

APP ID:

How did you receive notice of the application?

Via email

STATE YOUR INTEREST IN THE APPLICATION:

I would like to ask for giving permission for us to do renos on old building line

TICK RELEVANT BOX	☒	OBJECTION	COMMENT	☒	SUPPORT
REASONS FOR OBJECTION / COMMENT / SUPPORT:					

I am not objecting against the principal that a garden is made, but the property therefore almost get doubled against a I assume fair price, though owner of Erf 6135 (which we haven't met yet) payed almost three times more for his plot 249.

I have started with plans to change our house ERF 310 Mnandi Trust; JM; LM Venter through AKA Projects.

Currently our house was and is build next to plot 6900 (Matthey's) with a 1 metre building line.

I would like to extend my garage (new) on that line as well as have a 1 m building line (as per original plan) on the side of the NTS. We don't have any neighbours there

Feel free to continue on separate page(s).

PERSONAL INFORMATION (To be completed in full - Compulsory)	
Name & surname (surn):	Leanie Venter
Company/Trust details:	Mnandi Trust (JM en LM Venter); JM; LM Venter
Postal address:	11 A Cliff Road Hermanus
Contact details:	Cell: 0823373227
E-mail address:	leanievent @ mweb.co.za
Signature:	
Date:	25/2/2026

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process, and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed/used in the application process. Any objection, comment or representation received as a result of a public notice process must be in writing and addressed to the person mentioned in the notice within the time period stated in the notice.