OVERSTRAND MUNICIPALITY

ERF 827, 137 MAIN ROAD, DE KELDERS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: WRAP PROJECT OFFICE ON BEHALF OF CJ AND I PIERNEEF

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following application applicable to the above-mentioned property, namely:

Removal of restrictive title deed condition
Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions E. (1) (a) and (c) as contained in Title Deed T12075/2025.

Full details regarding the proposals above are available for inspection during weekdays between 08:00 and 16:30 at the Division: Town and Spatial Planning, 16 Paterson Street, Hermanus, Gansbaai Library, Main Road, Gansbaai and on the municipal webpage at the following link https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/

Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (e) alida@overstrand.gov.za) on or before **27 November 2026**, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the **Principal Planner, Mr. SW van der Merwe** at 028-3138900. The Municipality may refuse to accept comments after the closing date. Any person who cannot read or write can visit the Division: Town and Spatial Planning where they will be assisted by a municipal official in formulating their comments.

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.

OVERSTRAND MUNISIPALITEIT

ERF 827, HOOFWEG 137, DE KELDERS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDES: WRAP PROJECT OFFICE NAMENS CJ EN I PIERNEEF

Kennis word hiermee gegee ingevolge Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), van die volgende aansoek van toepassing op die bogenoemde eiendom, naamlik:

Aansoek om opheffing van beperkende titelaktevoorwaarde
Aansoek in gevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaardes E. (1) (a) en (c) soos vervat in Titelakte T12075/2025.

Besonderhede aangaande die voorstel lê ter insae gedurende weeksdae tussen 08:00 en 16:30 by die Afdeling: Stads- en Streekbeplanning te Patersonstraat 16, Hermanus, Gansbaai Biblioteek, Hoofweg, Gansbaai en op die munisipale webtuiste by die volgende skakel https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/

Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) alida@overstrand.gov.za) voor of op 27 November **2026**, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Hoofbeplanner, Mnr. SW van der Merwe** by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Afdeling: Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

U aandag word gevestig op die Bepalinge van die "POPI" Wet, en aangesien u opmerking deel sal uitmaak van 'n openbare deelname proses, u derhalwe toestem dat u naam, van, kontakbesonderhede en kommentaar (e) openbaar gemaak mag word.

UMASIPALA WASE-OVERSTRAND

ISIZA 827, 137 MAIN ROAD, DE KELDERS INDAWO KAMASIPALA YASE-OVERSTRAND: ISICELO SOKUSUSWA KWEEMEKO EZITHINTELAYO KWITAYITILE YOBUNINI: WRAP PROJECT OFFICE EGAMENI LIKA CJ KUNYE I PIERNEEF

Isaziso siyanikezelwa ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala oLungisiweyo kaMasipala waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) wesicelo esifunyenweyo soku kulandelayo:

Sokususwa kweemeko ezithintelayo kwitayitile yobunini
Isicelo ngokweCandelo le-16 (2)(f) loMthetho kaMasipala wokususwa kwemiqathango yetayitile ethintelayo E. (1) (a) en (c) njengoko kuqulethwe kwiSiqendu seSihlokwana T12075/2025.

Iinkcukacha ezipheleleyo mayela noku kucetywayo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi ko-08:00 no-16:30 kwiSebe: Town and Spatial Planning, 16 Paterson Street, Hermanus, kwiThala leeNcwadi laseGansbaai, Main Road, Gansbaai nakwiwebhusayithi kamasipala kule linki ilandelayo https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/

Naziphi na izimvo mazibhalwe zize zingeniswe kuMasipala (16 Paterson Street, Hermanus / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi komhla **27 November 2026**, ubhale igama lakho, idilesi yakho kunye nomdla kwisicelo nesizathu sokuhlomla kwakho. Imibuzo ngefowuni **ingabuzwaUmCwangcisi oyiNtloko Mnu. SW van der Merwe** ku 028 3138900. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwaziyo ukufunda okanye ukubhala angatyelela iSebe: Town and Spatial Planning. Igosa likamasipala liya kumnceda akwazi ukufaka izimvo zakhe.

Nceda uphawule ukUba ngokumayela noMthetho Wokukhuselwa kweNkcazelo yoBuqu (POPIA), uza kungena kwinkqubo yokuthatha inxaxheba koluntu ibe ngenxa yoko uyavuma ukuba igama, ifani yakho, iinkcukacha zakho zoqhagamshelwano namagqabaza akho angadizwa / asetyenziswa kwinkqubo (yokufaka isicelo).

EW JANTJIES
Acting Municipal Manager / Waarnemende Munisipale Bestuurder / Umphathi Kamasipala
PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200

Notice no. / Kennisgewing nr. / Inothisi yeNomb: **219/2026**

Plan 1: Locality Plan

Erf 827 - De Kelders

Subject property

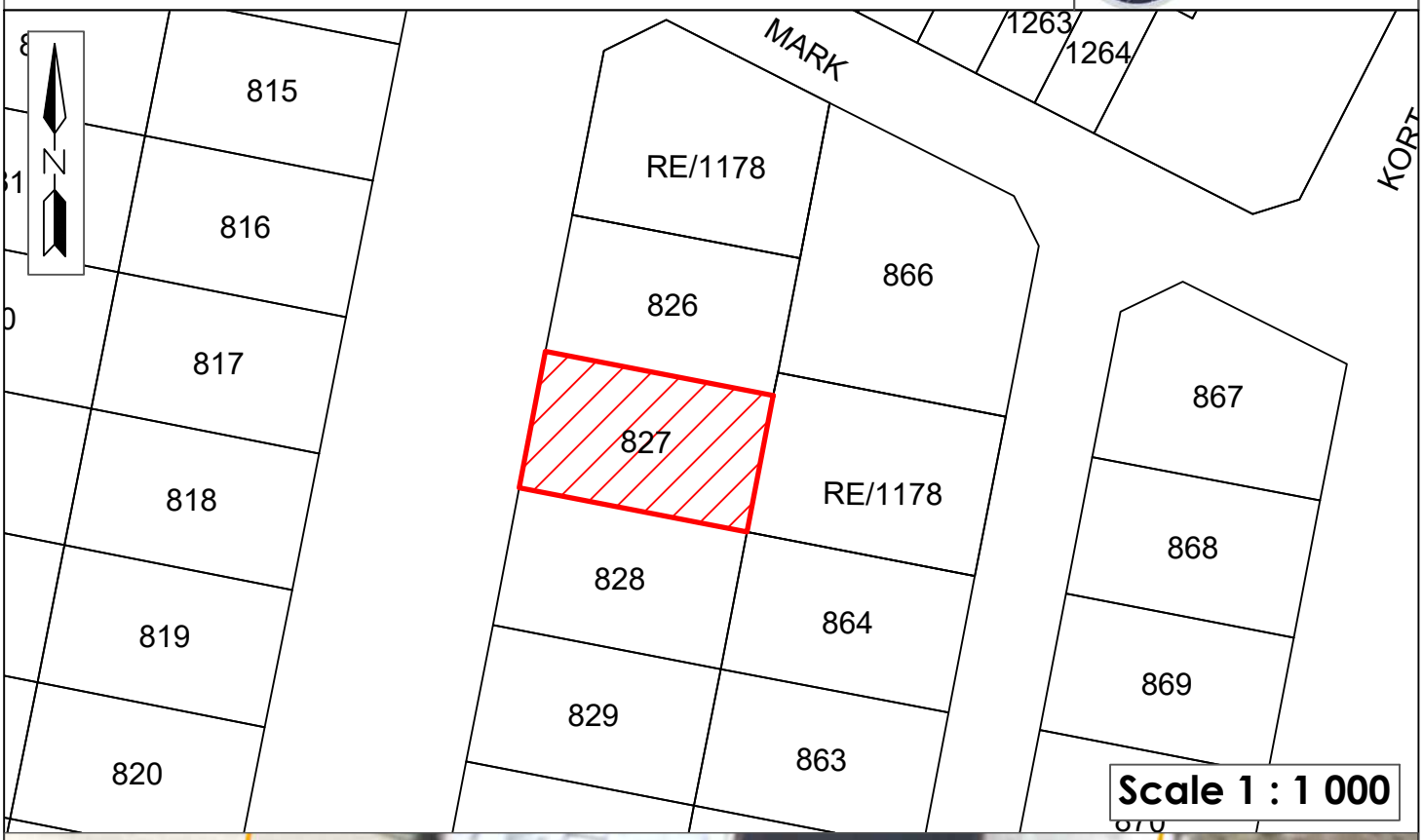
Plan prepared by: Thian Jansen

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

WRAP Project Office
Town Planning & Project Management





1. PROPERTY DETAILS

Property description	Erf 827 De Kelders
Extent	595m²
Zoning	Business Zone 3: Local Business
Title Deed	T12075/2025

2. EXECUTIVE SUMMARY

Erf 827, De Kelders, hereafter referred to as the subject property, is situated at 137 Main Road, De Kelders, as illustrated in **Plan 1: Locality Plan.** The property is located within the local business node as demarcated in the Overstrand Municipality Spatial Development Framework (OMSDF). The property is zoned in accordance with its location within this business node as Business Zone 3: Local Business.

The title deed contains restrictive conditions which prohibit the operation of a business on the property. The current owners acquired the property in 2025 with the intention of utilising the property in accordance with its zoning and spatial planning context. As a result, WRAP Project Office was appointed to prepare and submit a land use application to regularise the proposed future use of the property for business purposes. The authority to act on behalf of the owners is confirmed in **Annexure A: Power of Attorney.**

The subject property is zoned Business Zone 3: Local Business and is currently developed with a small single dwelling house. The surrounding properties are similarly zoned Business Zone 3: Local Business, while the property to the south is zoned Residential Zone 1: Single Residential. The remainder of the immediate environs comprises public streets and properties forming part of the established settlement of De Kelders. The zoning context is depicted in **Plan 2: Zoning Plan.**

The area is well established and is predominantly residential in character, with some of the development being higher density units. This development pattern is typical of the older coastal settlement pattern within De Kelders and is considered a common and accepted characteristic of the built environment.

In light of the aforementioned, this application seeks the removal of the restrictive title deed conditions that prohibit the operation of a business on the property. The removal of these restrictions will allow the property to be utilised in accordance with its Business Zone 3: Local Business zoning and its location within the designated business node as identified in the Overstrand Municipality Spatial Development Framework.

3. PROCEDURE TO ACHIEVE THE OWNERS' INTENT

This application is submitted in terms of the By-Law:

3.1 Removal of restrictive title deed conditions to allow the property to be used for business purposes.

As previously indicated, in order to lawfully utilise the property in accordance with its zoning, certain restrictive title deed conditions require removal. The applicable condition was imposed by the Administrator at the time of the establishment of the township in 1947. The conditions currently read as follows:

*"**E.** SUBJECT FURTHER to the conditions as contained in Deed of Transfer No T25790 dated 30 December 1947, established by the Administrator in terms of Ordinance No. 33 of 1934 with regards "inter alia" to future references in terms of Section 18 with the obligation of the local government to enforce Section 61 and rightly to be enforced by Law by the Transferor and the owner of any erven in the Township and their successor's in title in the following form:"*
Proposed sub-conditions to be removed under Condition 1: *"(a) That this erf be used for residential purposes only."* *"(b) That not more than half the area of this erf be built upon."* *"(c) That not more than one dwelling, together with the necessary outbuildings and appurtenances be erected on this erf."* *"(d) That no building shall be erected within 4,72 metres of any street line which forms a boundary of this erf or within 1.57 metres of the boundary of any adjoining erf provided that this latter restriction shall not apply to the common boundary of erven held as one erf under consolidated title."*

The rationale for the removal of the restrictive title deed conditions is to enable the owners to utilise the property as a business property, the development parameters of which are less restrictive than the existing title deed conditions.

Motivation for the removal of conditions E.1(a)
The rationale for the proposed removal
The original intent of the restrictive title deed conditions was to protect the residential character of the area by ensuring that the properties within the township were utilised for residential purposes only. At the time of the establishment of the township in 1947 this was a common mechanism used to control land use prior to the introduction of modern land use management systems.
Status quo
The removal of the above condition is required to enable the lawful utilisation of the property for business purposes in accordance with its current Business Zone 3: Local Business zoning. The restrictive condition limiting the use of the erf "for residential purposes only" is inconsistent with the present zoning of the property and does not reflect the land use rights afforded to the property in terms of the Overstrand Municipality Land Use Management Scheme (OMLUS). While such restrictions were historically imposed to protect the residential character of townships at the time of their establishment, the planning context of the area has since evolved. The subject property is zoned Business Zone 3: Local Business, which allows for a range of business-related land uses. The continued existence of a title deed restriction limiting the property to residential purposes therefore creates a conflict between the title deed conditions and the current zoning applicable to the property. The restrictive condition unnecessarily limits the utilisation and development of the property in a manner that is consistent with the applicable land use scheme and spatial planning framework. In practice, the zoning scheme is intended to regulate land use rights, and where title deed restrictions contradict the zoning of a property, they often prevent the reasonable and lawful exercise of those rights. The removal of the restrictive condition is therefore necessary to align the title deed with the current zoning and planning framework applicable to the property. This will enable the owners to convert and expand the existing structures and operate a business from the property in accordance with the allowable uses provided for in terms of the OMLUS.

Motivation for the removal of conditions E.1(b)
The rationale for the proposed removal
The original intent of the restrictive title deed conditions was to protect the residential character of the area by ensuring that the properties within the township were utilised for residential purposes only. At the time of the establishment of the township in 1947 this was a common mechanism used to control land use prior to the introduction of modern land use management systems.
Status quo
The removal of the above condition is required to enable the lawful utilisation and development of the property for business purposes in accordance with its current Business Zone 3 zoning. The restrictive condition contained in the title deed imposes development parameters that are not aligned with the provisions of the OMLUS. In particular, the title deed restricts the coverage of development on the property to 50% of the erf area, whereas the OMLUS permits a coverage of up to 75% for properties zoned Business Zone 3: Local Business. The retention of this restrictive condition therefore unnecessarily limits the development potential of the property and prevents the owners from utilising the property in accordance with the development parameters applicable to its zoning. While such restrictions were historically imposed to protect the residential character of townships at the time of their establishment, the planning context of the area has since evolved. The subject property is now zoned Business Zone 3: Local Business, which allows for a range of business-related land uses and a higher intensity of development than would typically be associated with residential erven. The removal of the restrictive title deed condition will therefore allow the property to be developed and utilised in accordance with the applicable provisions of the OMLUS, ensuring that development on the property is regulated by the current statutory planning framework rather than outdated title deed restrictions.

Motivation for the removal of conditions E.1(c)
The rationale for the proposed removal
The original intent of the restrictive title deed conditions was to protect the residential character of the area by ensuring that the properties within the township were utilised for residential purposes only. At the time of the establishment of the township in 1947 this was a common mechanism used to control land use prior to the introduction of modern land use management systems.
Status quo
The removal of the above condition is required to enable the lawful utilisation and development of the property for business purposes in accordance with its current Business Zone 3: Local Business zoning. The restrictive condition contained in the title deed restricts the development of the property to a single dwelling together with the necessary outbuildings and appurtenances. This restriction is inconsistent with the development rights associated with the Business Zone 3 zoning, which permits a wider range of land uses and building forms associated with business activities. The owners do not intend to utilise the property for residential purposes and do not propose any dwelling units on the property. Instead, the intention is to convert

and develop the property for business related purposes in accordance with the provisions of the OMLUS.

The continued application of this restrictive condition would therefore unnecessarily limit the utilisation and development potential of the property and prevent the owners from exercising the land use rights associated with the current zoning of the property. The removal of the condition will allow the property to be developed and utilised in a manner consistent with the applicable land use scheme and the broader spatial planning framework.

Motivation for the removal of conditions E.1(d)
The rationale for the proposed removal
The original intent of the restrictive title deed conditions was to protect the residential character of the area by ensuring that the properties within the township were utilised for residential purposes only. At the time of the establishment of the township in 1947 this was a common mechanism used to control land use prior to the introduction of modern land use management systems.
Status quo
The removal of the above condition is required to enable the lawful utilisation and development of the property for business purposes in accordance with its current Business Zone 3: Local Business zoning. The restrictive condition contained in the title deed imposes building line requirements that were historically introduced through title conditions at the time of the establishment of the township. These building line provisions are now outdated and are not aligned with the development parameters contained in the OMLUS. The continued application of the restrictive title deed condition therefore creates a situation where the development of the property is regulated by two different control mechanisms, namely the historical title deed restrictions and the modern zoning scheme. In circumstances where these provisions are not aligned, the title deed restrictions unnecessarily limit the development potential of the property and prevent the owners from exercising the land use rights associated with the current zoning of the property. This restriction is inconsistent with the development rights associated with the Business Zone 3 zoning, which permits less restrictive building lines that are appropriate for properties located within a designated business node. The zoning scheme has been adopted as the primary mechanism to regulate development parameters such as building lines, coverage and land use rights within the municipality. It is important to note that no departures are being applied for as part of this application. Development on the property will remain fully compliant with the provisions of the Overstrand Municipality Land Use Management Scheme. In particular, the 3 m building line where the property is adjacent to a Residential Zone 1 property will remain, thereby ensuring that an appropriate interface is maintained between the business property and the neighbouring residential property. This approach ensures that the development rights associated with the Business Zone 3 zoning can be exercised while still maintaining compatibility with the surrounding residential environment.

The restrictive title deed conditions contained in Condition E.1 were originally imposed at the time of the establishment of the township in 1947. During this period, it was common practice to regulate land use and development intensity through restrictive title deed conditions in order to protect the residential character of newly established townships. These conditions ensured that erven were utilised primarily for residential purposes, limited the number of

buildings that could be erected, restricted the extent of development coverage, and prescribed building lines to control the placement of structures on the property.

Since the establishment of the township, the statutory planning environment has evolved significantly. Modern land use management systems and zoning schemes now regulate land use rights, development parameters and building controls. In the case of the subject property, the Overstrand Municipality Land Use Management Scheme has designated the property as Business Zone 3, which allows for a broader range of land uses and development parameters than those historically imposed through the restrictive title deed conditions.

The continued existence of the restrictive title deed conditions therefore creates a conflict between the historical title restrictions and the current zoning applicable to the property. The conditions limiting the use of the property to residential purposes, restricting development coverage, limiting the number of buildings to a single dwelling, and prescribing outdated building lines are all inconsistent with the development rights associated with the Business Zone 3 zoning. As a result, the title deed conditions unnecessarily limit the lawful utilisation and development of the property in accordance with the applicable land use management framework.

The removal of Conditions E.1(a) to E.1(d) is therefore required to align the title deed with the current zoning and planning framework applicable to the property. This will enable the owners to convert and expand the existing structures and utilise the property for business related purposes in accordance with the land use rights permitted in terms of the Overstrand Municipality Land Use Management Scheme.

It is important to note that the removal of these restrictive conditions will not result in uncontrolled development on the property. Development will remain regulated by the provisions of the Overstrand Municipality Land Use Management Scheme, which prescribes development parameters such as coverage, building lines and permissible land uses. No departures from the scheme provisions are being applied for as part of this application.

Furthermore, within the surrounding area there are several properties zoned for business purposes that have been developed with higher intensity developments, including flat developments, which in certain instances utilise 0 m building lines along internal boundaries. These developments illustrate the evolving development character of the business node and demonstrate that a more intensive built form is already present and accepted within the area.

The removal of the restrictive title deed conditions will therefore not introduce a new or incompatible land use pattern but rather allow the subject property to be developed and utilised in a manner consistent with its zoning, the existing development character of the area, and the current statutory planning framework applicable within the Overstrand Municipality.

In terms of the requirements of LUPA, the table below addressed the removal of the restrictive title deed conditions in terms of Section 39(5)(a-f):

		LUPA, Section 39(5) (a-f)
(a)	*the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the*	The restrictive title deed conditions were originally imposed to protect the residential character of the township at the time of its establishment. No identifiable person or entity currently derives a direct financial benefit from the continuation of these restrictive conditions. The conditions function primarily as historical land use controls and do not provide a measurable financial or proprietary

	person as the owner of a dominant tenement;	advantage to any dominant tenement or identifiable beneficiary.
(b)	*the personal benefits which accrue to the holder of rights in terms of the restrictive condition;*	The personal benefits associated with the restrictive conditions are limited to the historical protection of a residential development pattern within the township. Given that the subject property is now zoned Business Zone 3 in terms of the Overstrand Municipality Land Use Management Scheme, the conditions no longer serve a meaningful planning purpose and do not provide any significant personal benefit to surrounding property owners. No person is personally benefitting from these conditions as it is only restricting the owners.
(c)	*the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended;*	The removal of the restrictive conditions will allow the owners to lawfully utilise and develop the property in accordance with its Business Zone 3: Local Business zoning. This will enable the conversion and expansion of the existing structures for business related purposes and allow the property to be utilised in a manner consistent with the development rights provided for in terms of the Overstrand Municipality Land Use Management Scheme.
(d)	*the social benefit of the restrictive condition remaining in place in its existing form;*	There is limited social benefit associated with retaining the restrictive conditions in their current form. The conditions are outdated and inconsistent with the current zoning of the property and the spatial planning framework applicable to the area. Their continued existence would unnecessarily limit the utilisation of the property and prevent it from contributing to the economic activity associated with the designated business node. The removal of the restrictive conditions will align the title deed with the current statutory planning framework and enable the property to be utilised in accordance with its zoning. This will contribute to the strengthening of the local business node and support economic activity within the area while ensuring that development remains regulated by the provisions of the Overstrand Municipality Land Use Management Scheme.
(e)	*the social benefit of the removal, suspension or amendment of the restrictive condition; and*	
(f)	*whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.*	The removal of the restrictive conditions will not remove any identifiable rights enjoyed by a specific beneficiary. Development on the property will continue to be regulated by the provisions of the Overstrand Municipality Land Use Management Scheme, which ensures that appropriate development parameters and land use controls remain in place. The removal therefore serves primarily to eliminate outdated and conflicting controls rather than to remove legitimate rights held by any party.

4. PLANNING ASSESSMENT

4.1. ZONING

The subject property is currently zoned Business Zone 3: Local Business (B3) in terms of the Overstrand Municipality Land Use Management Scheme (OMLUS). The existing use of the property is a dwelling house, which is not a primary use permitted within the B3 zoning. The existing residential use is therefore not aligned with the current zoning of the property.

The owners intend to convert the existing structures and establish offices on the property as an initial business use. However, the intention is not to restrict the property to a single business activity in the long term. The owners would prefer to retain the flexibility afforded by the Business Zone 3: Local Business zoning, which permits a range of business-related land uses in terms of the OMLUS. This will allow the property to be utilised for other permissible uses in the future should the operational needs of the owners change, provided that such uses remain compliant with the zoning scheme.

It is further important to note that the approval of this application will not in itself authorise any building work. Should the application be approved, the owners will submit building plans for any proposed additions or alterations to the existing structures. These plans will be assessed by the municipality to ensure full compliance with the applicable development parameters contained in the OMLUS, including provisions relating to building lines, coverage, height and other relevant building controls.

The proposed approach will therefore ensure that the property is utilised in accordance with its zoning while all future development remains subject to the normal building plan approval process and the regulatory framework of the municipality.

4.2. ENGINEERING SERVICES

The availability of municipal services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is addressed below. The subject property is already connected to the existing municipal service networks in the area, including electricity, water and sewerage.

The proposal does not introduce any rezoning of the property and therefore does not propose a land use that differs from the rights already associated with the current Business Zone 3; Local Business zoning. As a result, the proposed use is not expected to have a significant or disproportionate impact on the existing municipal service infrastructure.

Notwithstanding the above, the application will be circulated to the Overstrand Municipality's Engineering Department as part of the normal municipal review process. Any comments or requirements raised by the relevant departments will be addressed and complied with by the applicant where necessary.

Solid waste collection services are currently provided to the property on a weekly basis by the Overstrand Municipality, and this service will continue to be available to the property once the proposed utilisation is implemented.

Access, Egress and Parking
Access to and egress from the subject property are obtained from Main Road, which is an existing public road serving the surrounding area and providing access to several properties within the established settlement of De Kelders. The property therefore already benefits from direct access to the existing public road network.

All parking associated with the proposed use will be accommodated on-site in accordance with the parking requirements prescribed in the Overstrand Municipality Land Use Management Scheme. Should any alterations or additions to the existing structures be proposed, the required parking will be demonstrated and confirmed as part of the building plan submission to the municipality. This will ensure that the development remains compliant with the applicable municipal regulations and that no additional parking demand is placed on the surrounding public streets.

4.3. POLICIES AND REGULATIONS

Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)
The subject property is not located within the EMOZ.

Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)
The subject property is not located within the HPOZ.

Spatial Planning Policies
This proposal is not in conflict with any provisions of the Western Cape Provincial Spatial Development Framework, 2014 or the Overstrand Municipality Spatial Development Framework, 2020 (OMSDF).

The OMSDF identifies the area in which the subject property is located as forming part of a Local Business Node. Within these nodes the spatial framework encourages the concentration of business-related activities, including commercial uses, retail and offices, within demarcated business areas as far as possible.

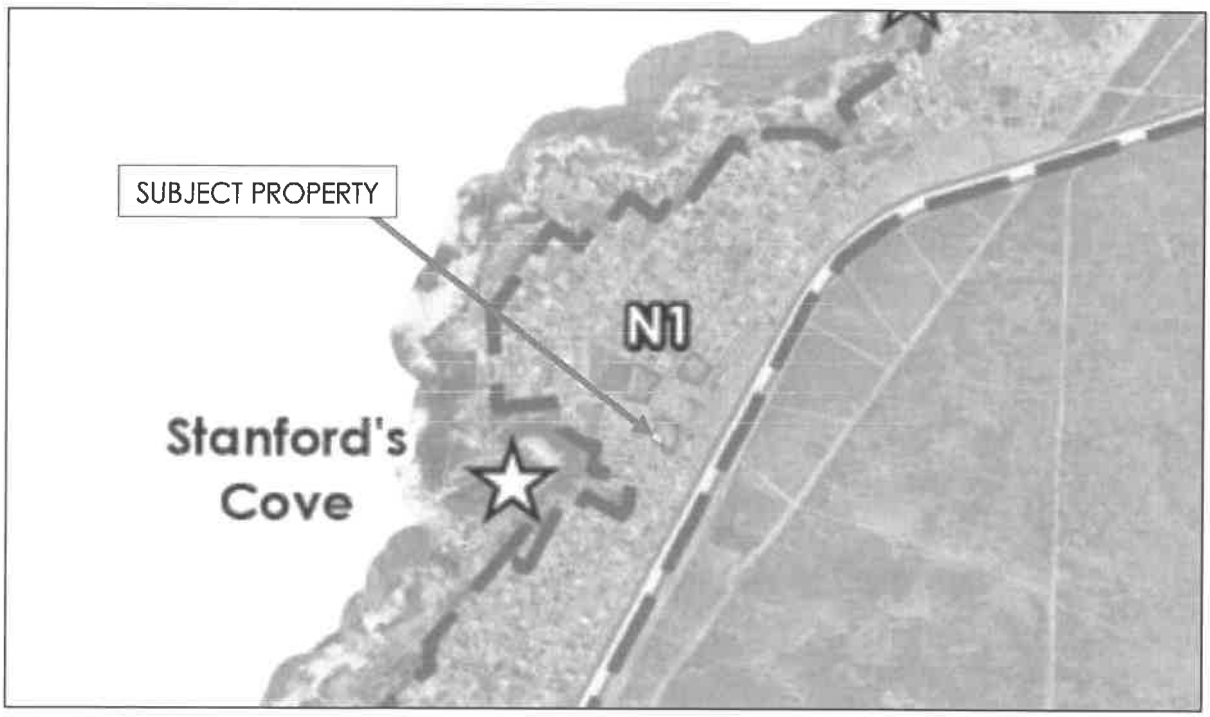


Figure 1: Subject property in relation to the local business node.

Section 5.10.2.3 of the OMSDF states that commercial and business-related uses, including retail and office uses, should be concentrated around existing business areas in order to prevent the further decentralisation of commercial development. This approach promotes the

consolidation of economic activity within established nodes and supports more efficient land use patterns.

The current proposal is therefore aligned with the intent of the OMSDF. The subject property is already located within the identified business node and is zoned Business Zone 3: Local Business. No additional land use rights or rezoning are being sought as part of this application. The purpose of the application is merely to remove the restrictive title deed conditions that currently prevent the property from being utilised in accordance with its zoning.

The proposal will therefore enable the property to function as a business property within the designated business node, thereby supporting the spatial planning objectives of the OMSDF and reinforcing the concentration of business activities within the established commercial area.

4.4. PLANNING PRINCIPLES

Chapter 2 of the Spatial Land Use Management Act, 2013 (SPLUMA) sets out five fundamental development principles that must be considered when evaluating land use and development applications. These principles provide the normative framework against which development proposals are assessed and guide decision making to ensure that development occurs in a manner that promotes spatial justice, sustainability and efficient land use patterns. The principles of SPLUMA that are considered most relevant to this proposal are outlined below.

Spatial justice
The principle of spatial justice seeks to redress past spatial imbalances and ensure that land development opportunities are distributed in a fair and equitable manner. In the context of this application, the proposal enables the subject property to be utilised in accordance with its current Business Zone 3 zoning and its location within an identified local business node. The removal of the restrictive title deed conditions will eliminate outdated development controls that are inconsistent with the current planning framework, thereby allowing the property to participate in the economic activities associated with the business node.

Spatial sustainability and efficiency
Spatial sustainability and efficiency require that development makes optimal use of existing infrastructure, promotes compact development patterns and avoids unnecessary urban sprawl. The subject property is already located within the existing urban area of De Kelders and is connected to the necessary municipal services. The proposal does not introduce new development rights or require additional infrastructure investment but rather allows the property to be utilised in accordance with its existing zoning within an established business node. The proposal therefore supports the efficient use of existing land and infrastructure.

Spatial resilience
Spatial resilience refers to the ability of settlements to adapt to changing social, economic and environmental conditions. By allowing the property to be utilised for business purposes within a designated business node, the proposal contributes to the diversification of local economic activity and supports the continued functioning and adaptability of the area over time. The flexibility afforded by the Business Zone 3 zoning also allows the property to respond to changing economic needs while remaining within the parameters of the land use scheme.

Good administration
The principle of good administration requires that land use decisions are taken in a transparent, consistent and legally sound manner. The removal of the restrictive title deed conditions will align the title deed with the current OMLUS and the applicable spatial planning framework. This will eliminate conflicting development controls and ensure that the property is regulated

through the municipality's current statutory planning instruments, thereby promoting clarity and consistency in land use management.

5. NEED AND DESIRABILITY

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

Socio-economic impact	The proposal is expected to have a positive socio-economic impact. The removal of the restrictive title deed conditions will allow the property to be utilised for business purposes in accordance with its Business Zone 3 zoning, thereby supporting economic activity within the identified local business node. The establishment of business uses such as offices can contribute to local economic development, create employment opportunities and enhance the vitality of the business area. The proposal therefore supports the continued functioning and strengthening of the existing business node.
Compatibility with surrounding uses	The proposed utilisation of the property for business purposes is compatible with the surrounding land uses. The subject property is located within a designated local business node and is zoned Business Zone 3, with several surrounding properties also zoned for business related uses. It is acknowledged that the broader surrounding area remains predominantly residential in character, with a number of properties zoned Residential Zone 1. This residential pattern is typical of the established settlement of De Kelders. Notwithstanding this, the subject property forms part of an existing and recognised business node along Main Road, where a number of properties have already been zoned for business purposes in order to accommodate local commercial and service-related activities. The existence of this business zoning reflects the municipality's spatial planning intent to concentrate business related land uses within clearly defined nodes rather than allowing commercial development to occur in a dispersed manner throughout residential areas. In this context, the subject property is already appropriately located within the demarcated business area and forms part of the transition between the business node and the surrounding residential neighbourhood. The proposal will therefore not introduce a new or incompatible land use into the area. Instead, it will enable the property to be utilised in accordance with its **existing zoning** and the spatial planning framework applicable to the area. The utilisation of the property for business purposes will remain consistent with the development character of the node while maintaining compatibility with the surrounding residential environment.
Impact on the external engineering services	The subject property is already connected to the existing municipal service networks, including water, electricity and sewerage. The proposal does not involve a rezoning or the introduction of a significantly more intensive land use than what is already permitted by the zoning. As such, the proposed utilisation is not expected to

	place a significant additional burden on the existing engineering services. The application will nevertheless be circulated to the relevant municipal departments, and any comments or requirements will be addressed where necessary.
Impact on safety, health and wellbeing of the surrounding community	The proposed utilisation of the property for office or similar business uses is not expected to have any negative impact on the safety, health or wellbeing of the surrounding community. Such uses are generally considered low impact and are compatible with the surrounding environment. The property will remain subject to municipal regulations and building plan approval processes, which ensure compliance with applicable health, safety and building standards.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	The subject property is located within an established urban area and has already been developed with a dwelling house and associated structures. The proposal does not involve the expansion of the urban footprint or the disturbance of undeveloped natural areas. As such, the proposal is not expected to have any significant impact on the surrounding biophysical environment.
Traffic impacts, parking, access and other transport related considerations	Access to and egress from the property are obtained from Main Road, which is an existing public road serving the surrounding area. The proposed utilisation of the property for business purposes, such as offices, is not expected to generate significant additional traffic volumes. All required parking will be accommodated on-site in accordance with the provisions of the Overstrand Municipality Land Use Management Scheme, thereby ensuring that no additional parking demand is placed on the surrounding public road network.

Impact on views, sunlight and character of the area

The proposed utilisation of the property for business purposes is not expected to have a significant impact on surrounding views, access to sunlight, or the overall character of the area. The application primarily seeks the removal of restrictive title deed conditions in order to allow the property to be utilised in accordance with its existing Business Zone 3 zoning.

Any future alterations or additions to the existing structures will be subject to the normal building plan approval process, where compliance with the development parameters contained in the OMLUS will be assessed. These parameters include controls relating to building lines, coverage and height, which serve to ensure that development remains compatible with the surrounding built environment.

It is further noted that the property forms part of an established business node along Main Road, where a range of building forms and development intensities already exist. While the broader surrounding area retains a predominantly residential character, the presence of business zoned properties within the node has contributed to a slightly more active and mixed built environment along this corridor.

The proposal will therefore not introduce an atypical development pattern within the area. Any future development will remain regulated by the applicable municipal planning and building controls, ensuring that the character of the area is maintained and that surrounding properties are not unreasonably affected in terms of views or access to sunlight.

Economic impact

The proposal is expected to have a positive economic impact within the local area. The removal of the restrictive title deed conditions will allow the property to be utilised in accordance with its Business Zone 3: Local Business zoning, thereby enabling business related activities to take place within the designated local business node.

By allowing the property to be converted and utilised for business purposes, such as offices or other permissible uses in terms of the Overstrand Municipality Land Use Management Scheme, the proposal will contribute to local economic activity. The utilisation of the property for business purposes may also create opportunities for employment and support the provision of services within the surrounding community.

The proposal further supports the spatial planning objective of consolidating commercial activities within established business nodes rather than allowing such uses to disperse throughout residential areas. By enabling the property to function as a business property within the existing node, the proposal contributes to the strengthening and sustainability of the local economic environment.

Importantly, the proposal does not seek to introduce new land use rights beyond those already permitted by the existing zoning. Instead, it seeks to remove outdated title deed restrictions that currently prevent the property from being utilised in accordance with its zoning. As such, the proposal represents the logical and efficient utilisation of land within an established urban area and contributes to the effective functioning of the local business node.

6. CONCLUSION

This application seeks the removal of restrictive title deed conditions that were historically imposed at the time of the establishment of the township in 1947. These conditions were originally intended to protect the residential character of the area and to regulate development prior to the introduction of modern land use management systems. Since that time, the statutory planning framework has evolved significantly, and land use rights are now regulated primarily through the Overstrand Municipality Land Use Management Scheme (OMLUS) and the applicable spatial development frameworks.

The subject property is currently zoned Business Zone 3: Local Business and is located within a designated Local Business Node as identified in the Overstrand Municipality Spatial Development Framework (OMSDF), 2020. The OMSDF specifically encourages the concentration of commercial and business-related land uses within demarcated business areas in order to strengthen existing nodes and prevent the decentralisation of commercial development. The continued application of restrictive title deed conditions that limit the use of the property to residential purposes and impose outdated development parameters is therefore inconsistent with both the zoning of the property and the spatial planning intent of the municipality.

The removal of the restrictive conditions will align the title deed with the current planning framework and allow the property to be utilised in accordance with its Business Zone 3 zoning. Importantly, the application does not seek to introduce additional development rights beyond those already permitted in terms of the OMLUS. Development on the property will remain subject to the development parameters contained in the land use management scheme as well as the normal building plan approval process administered by the municipality.

The proposal is therefore considered consistent with the relevant planning considerations, including the principles contained in SPLUMA, the provisions of LUPA, and the spatial planning objectives of the OMSDF. The utilisation of the property for business purposes will support the consolidation of economic activity within the identified business node, make efficient use of existing infrastructure and ensure that the property contributes to the functioning and vitality of the local business area.

Considering the above, it is respectfully submitted that the restrictive title deed conditions are outdated, no longer serve their original planning purpose, and unnecessarily limit the lawful utilisation of the property in accordance with its zoning and the spatial planning framework. The removal of the restrictive conditions is therefore considered appropriate and supported from a planning perspective.

7. RECOMMENDATION

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

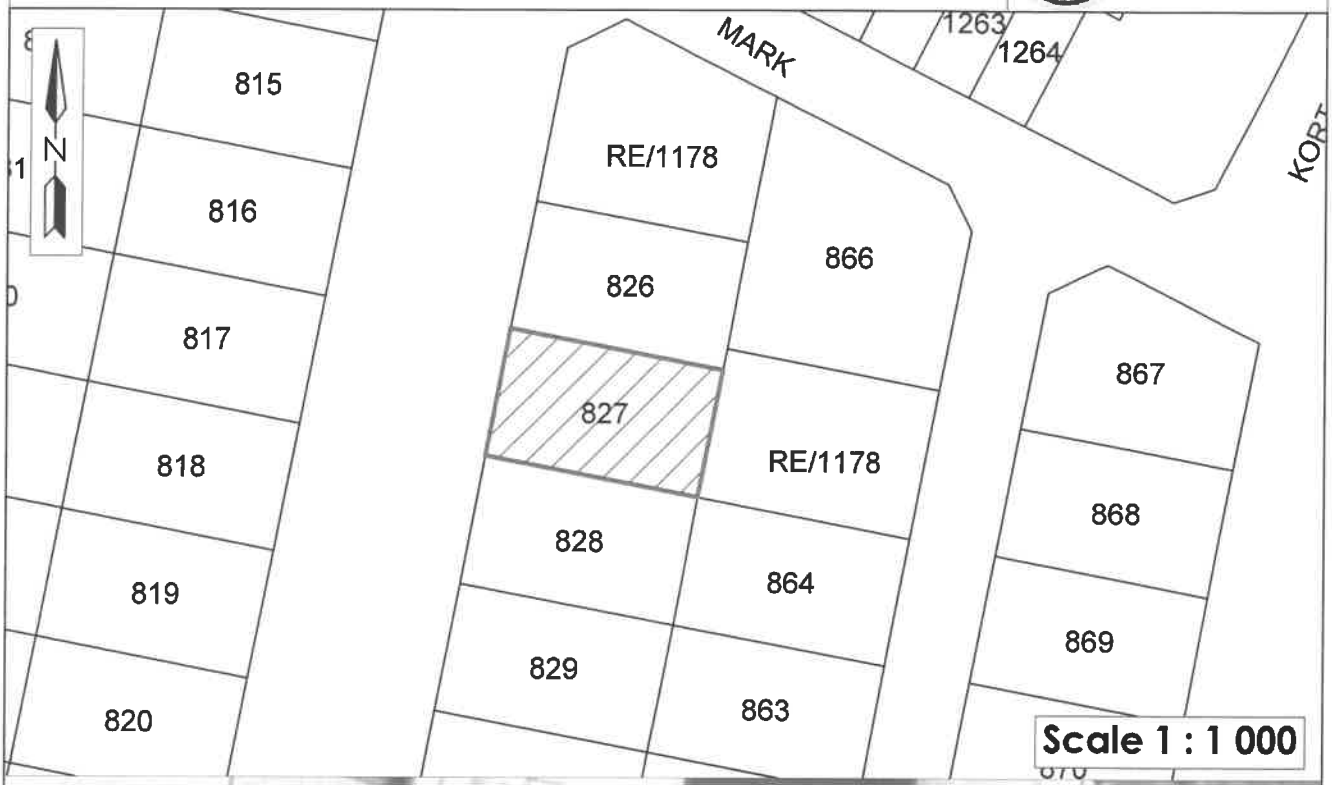
7.1 **Removal of restrictive title deed conditions:** Clauses E(1)(a),(b,(c) and (d) under Title Deed T12075/2025, Registrar of Deeds, Western Cape at Cape Town in terms of Section 16(2)(f) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020.

Plan 1: Locality Plan

Erf 827 - De Kelders

Subject property

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







Plan 2: Zoning Plan
Erf 827 - De Kelders

Residential Zone 1: Single Residentic

Transport Zone 2: Road and Parking (Public)

Business Zone 3: Local Business

Plan prepared by: Thian Jansen

All distances are approximate and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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

WRAP Project Office
Town Planning & Project Management