



OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
<u>ERF 374, 10 DUIKER CRESCENT, SANDBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, SUBDIVISION, DEPARTURE AND REGISTRATION OF A RIGHT OF WAY SERVITUDE: WRAP PROJECT OFFICE ON BEHALF OF SP ALCOCK</u> 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 applications applicable to Erf 374, Sandbaai, namely: <u>Removal of restrictive title deed conditions</u> Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions, D.(b) and D.(c) as contained in Title Deed No. T34018/2023. <u>Subdivision</u> Application in terms of Section 16(2)(d) of the By-Law to subdivide the property into two portions, namely Portion A (±476m²) in extent and Remainder (±1071m²) in extent. <u>Departure</u> Application in terms of Section 16(2)(b) of the By-Law to relax the eastern lateral building line from 2m to 1,5m to accommodate the existing dwelling on Remainder of Erf 374, Sandbaai. <u>Registration of a right of way servitude</u> Application in terms of Section 26 of the By-Law for the registration of a right of way servitude. 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 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) landuse@overstrand.gov.za) on or before 21 August 2026, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the Town Planner, Mr B. Minnaar at 028 313 8088. 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. <i>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.</i>	<u>ERF 374, DUIKERSINGEL 10, SANDBAAI, OVERSTRAND MUNISIPALE AREA: AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDES, ONDERVERDELING, AFWYKING EN REGISTRASIE VAN 'N REG VAN WEG SERWITUUT: WRAP PROJECT OFFICE NAMENS SP ALCOCK</u> Kragtens Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die volgende aansoeke van toepassing op Erf 374, Sandbaai, naamlik: <u>Opheffing van beperkende titelaktevoorwaardes</u> Aansoek ingevolge Artikel 162(f) van die Verordening, vir die opheffing van beperkende titelaktevoorwaardes, D.(b) en D.(c) soos vervat in Titelakte Nr. T34018/2023. <u>Onderverdeling</u> Aansoek ingevolge Artikel 16(2)(d) van die Verordening om die eiendom in twee gedeeltes te onderverdeel, naamlik Gedeelte A (±476m²) groot en Restant (±1071m²) groot. <u>Afwyking</u> Aansoek ingevolge Artikel 16(2)(b) van die Verordening om die oostelike lateraleboulyn vanaf 2m na 1,5m te verslap om die bestaande woning op Restant van Erf 374, Sandbaai te akkommodeer. <u>Registrasie van 'n reg van weg serwituut</u> Aansoek ingevolge Artikel 26 van die Verordening vir die registrasie van 'n reg van weg serwituut. Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Afdeling: Stads- en Streekbeplanning te Patersonstraat 16, Hermanus 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) landuse@overstrand.gov.za) voor of op 21 Augustus 2026, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Stadsbeplanner, Mr B. Minnaar by 028 313 8088. 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. <i>U aandag word gevestig op die Bepalings van die "POPI" Wet, en aangesien u opmerking deel sal uitmaak van 'n openbare deelname proses, u derhalwe toestem dat u naam, van en kontakbesonderhede openbaar gemaak mag word.</i>	<u>ISIZA 374, 10 DUIKER CRESCENT, SANDBAAI: OVERSTRAND UMMANDLA KAMASIPALA: ISICELO SOKUSUSWA KWEEMEKO EZITHINTELAYO KWITAYITILE YOBUNINI, UKWAHLULWA, SOKUTENXA NGOKUSISIGXINA KUNYE UKUBHALISWA KWELUNGELO LENKONZO: MESSRS WRAP PROJECT OFFICE EGAMENI LIKA SP ALCOCK</u> Isaziso siyanikezelwa ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala oLungisiweyo kaMasipala waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) izicelo esebenzayo kwiSiza-374, Sandbaai, esizezi: <u>Sokususwa kweemeko ezithintelayo kwitayitile yobunini</u> Isicelo ngokweCandelo le-16 (2)(f) loMthetho kaMasipala wokususwa kwemiqathango yetayitile ethintelayo D.(b) kunye D.(c) njengoko kuqulethwe kwiSivumelwano soBunini Nomb T34018/2023. <u>Ulwahlulo</u> Ukwenziwa kwesicelo ngokweCandelo le-16(2)(d) loMthetho kaMasipala sokwahlulahlula ipropati ibe yizahlulo ezibini, ezizezi, iSahlulo A (±476m²) ngokubanzi neNtsalela (±1071m²) ngokubanzi. <u>Ukutenxa</u> Ukufakwa kwesicelo ngokweCandelo le-16(2)(b) loMthetho kaMasipala sokucuthwa komda wesakhiwo osecaleni ongasempuma ukusuka kwi-2m ukuya kwi-1,5m ukuze kulungiselelwe indawo yokuhlala ekhoyo kwiNtsalela yeSiza-374, eSandbaai. <u>Ukubhaliswa kwelungelo lendlela yobukhoboka</u> Isicelo ngokweCandelo lama-26 loMthetho kaMasipala ukubhaliswa kwelungelo lendlela yobukhoboka. Iinkukacha ezipheleleyo mayela nezi ziphakamiso zingentla ziyafumaneka ukuze zihlowe kwiintsuku zaphakathi eveleni ukusukela phakathi kwentsimbi ye08:00 neye16:30 kwiSebe: LeziCwangciso zeDolophu noBume beNdawo, 16 Paterson Street, nakwiwebhpheyiji kamasipala kweli qhakamshela lilandelayo https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Naziphi na izimvo mazibhalwe phantsi kwaye zifike kuMasipala (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) ngomhla okanye ngaphambi koko 21 Agasti 2026, kunye negama lakho, idilesi, iinkukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zokuphawula. Imibuzo ngomnxeba ingenziwa kuMcwangciso weDolophu, uMnu B Minnaar kule nombolo 028-3138900. UMasipala unokwala ukwamkela izimvo emva komhla wokuvala. Nabani na ongakwaziyo ukufunda okanye ukubhala angandwendwela iCandelo: loCwangciso lweDolophu noMhlaba apho aya kuthi ancediswe ligosa likamasipala ekuqulunqeni izimvo zabo. <i>Nceda uqaphele ukuba ngokoMthetho woKhuseleko lweNgcaciso loLwazi loBuqu (POPIA), uya kuba ungena kwinkqubo kawonke-wonke kwaye uvuma ukuba igama lakho, ifani, iinkukacha zoqhagamshelwano kunye nezimvo zingabhengezwa / zisetyenziswe kwi (isicelo) inkqubo.</i>
Dr DGI O'Neill Municipal Manager / Munisipale Bestuurder / Umphathi Kamasipala PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200		

Notice no. / Kennisgewing nr. / Inothi siyeNomb: 143/2026

Plan 1: Locality Plan
Erf 374 - Sandbaai



Subject property

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Project Office
Town Planning & Project Management





ERF 374 SANDBAAI

APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS, SUBDIVISION, EXEMPTION TO ALLOW THE
REGISTRATION OF A RIGHT OF WAY SERVITUDE AND
PERMANENT DEPARTURE

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Submitted

March 2026 – VERSION 1



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1. PROPERTY DETAILS

Erf Number	Erf 374 Sandbaai
Extent	1547m ²
Title Deed	T34018/2023
Zoning	Residential Zone 1: Single Residential

2. EXECUTIVE SUMMARY

This application pertains to Erf 374, Sandbaai, hereafter referred to as the subject property, situated at 10 Duiker Crescent, Sandbaai, as indicated on **Plan 1 (Locality Plan)**. The property owners have appointed WRAP Project Office to act on their behalf in the submission of this land use application, as confirmed in **Annexure A (Power of Attorney)**.

The owner proposes to subdivide Erf 374, Sandbaai into two portions, with the remainder portion accommodating the newly constructed dwelling. The implementation of this proposal is, however, constrained by restrictive conditions contained in the title deed of Erf 374, Sandbaai. Accordingly, the application seeks the removal of restrictive title deed conditions in order to facilitate the proposed subdivision and the associated permanent departures.

The application is motivated on its planning merits and seeks to achieve a logical and orderly land configuration that remains compatible with the surrounding residential context, while aligning with the intent of the applicable zoning and development parameters.

3. PROCEDURE TO ACHIEVE THE OWNER'S INTENT

This application is submitted in terms of the By-Law and consists of three components:

3.1 Removal of restrictive title deed conditions to allow the proposed subdivision:

As previously indicated, in order to lawfully subdivide the property and permit the development of a second dwelling on the property, certain restrictive conditions contained in the title deed require removal. These conditions were originally imposed by the Administrator at the time of the establishment of the township.

"D. SUBJECT FURTHER to certain conditions contained in Deed of Transfer T4729/1941 imposed by the Administrator when approving the establishment of the said township, namely:"

Proposed sub-conditions to be removed under Condition D:

"(b) Dat die bogemelde erf or erwe nie onderverdeel sal word nie.

"(c) Dat nie meer dan een woonhuis met die nodige buitegeboue en benodighede opgerig sal word op enigeen van die bogemelde erwe nie en dat nie meer dan die helfte van die oppervlakte van elke erf behou sal word nie."

Sub condition (b) prohibits the subdivision of the property, while sub condition (c) restricts the development of the property to a single dwelling house. The removal of the aforementioned restrictive title deed conditions is therefore required in order to enable the proposed subdivision of Erf 374, Sandbaai and to permit the development of an additional dwelling on the portions.

Motivation for the removal of conditions D.(b)
Status quo
The subject property is located within an established residential area of Sandbaai characterised predominantly by single residential erven. Over time, several properties within the broader area have undergone subdivision in accordance with the applicable planning policies and land use scheme provisions of the Overstrand Municipality. The proposed subdivision of Erf 374 Sandbaai will not introduce a land use that is inconsistent with the surrounding residential character of the area. Instead, it represents a logical and orderly intensification that aligns with the development pattern that has gradually emerged within Sandbaai. The removal of the restrictive title deed condition will therefore allow the property to be utilised in a manner consistent with the prevailing planning framework and the evolving urban form of the area.
Rationale for the Proposed Removal
The original intent of the restrictive title deed conditions was to protect the residential character of the area and to ensure that development occurred in an orderly and controlled manner. At the time these conditions were imposed, town planning schemes were often limited in scope and title deed restrictions were used as an additional mechanism to control land use and development intensity. Since then, the regulatory planning framework has evolved significantly. The Overstrand Municipality Land Use Scheme, 2020 (OMLUS) now provides a comprehensive and uniform set of development parameters applicable throughout the municipal area. These include controls relating to zoning, density, coverage, building lines, height and subdivision requirements. The objectives originally served by the restrictive title deed conditions are therefore already adequately regulated through the provisions of the current land use scheme. The continued enforcement of historic title deed conditions in parallel with a comprehensive land use scheme results in unnecessary duplication and regulatory overlap. Removing the outdated condition will therefore allow development to be managed through the contemporary planning framework established by the OMLUS, which is specifically designed to guide and regulate development within the municipality.
Motivation for the removal of conditions D.(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 and to ensure that development occurred in an orderly and controlled manner. At the time these conditions were imposed, town planning schemes were often limited in scope and title deed restrictions were used as an additional mechanism to control land use and development intensity. Since then, the regulatory planning framework has evolved significantly. The Overstrand Municipality Land Use Scheme, 2020 (OMLUS) now provides a comprehensive and uniform set of development parameters applicable throughout the municipal area. These include controls relating to zoning, density, coverage, building lines, height and subdivision requirements. The objectives originally served by the restrictive title deed conditions are

therefore already adequately regulated through the provisions of the current land use scheme.

The continued enforcement of historic title deed conditions in parallel with a comprehensive land use scheme results in unnecessary duplication and regulatory overlap. Removing the outdated condition will therefore allow development to be managed through the contemporary planning framework established by the OMLUS, which is specifically designed to guide and regulate development within the municipality.

Status quo

The subject property is located within a well-established residential area of Sandbaai, characterised by single residential erven improved with dwelling houses and associated outbuildings. While the historic title deed restriction limits development to a single dwelling per erf, the current OMLUS makes provision for a second dwelling unit, subject to compliance with the applicable zoning and development parameters.

Within the broader Sandbaai area, there is an observable trend towards moderate densification, including the development of second dwellings and the subdivision of larger erven. This reflects a natural evolution of the area in response to increasing demand for residential accommodation and the efficient utilisation of land within the urban edge.

The subject property is of a size and configuration which is improved with a dwelling that can reasonably be divided to accommodate a second dwelling without resulting in overdevelopment or negatively impacting the surrounding properties. The proposed development will remain compliant with the relevant provisions of the OMLUS, including coverage, building lines and height restrictions, thereby ensuring that the existing residential character and amenity of the area are maintained.

The existing title deed restriction is therefore considered outdated, as it no longer reflects the prevailing development patterns or the current regulatory framework governing land use within the area.

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

LUPA, Section 39(5) (a-f)		
(a)	<i>the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;</i>	The restrictive conditions do not confer any direct financial or quantifiable benefit to any specific person or entity. The conditions are general in nature and were historically imposed to control development within the township, rather than to protect specific private rights.
(b)	<i>the personal benefits which accrue to the holder of rights in terms of the restrictive condition;</i>	No identifiable individual or entity derives a specific personal benefit from the enforcement of these conditions. Any perceived benefit is indirect and relates only to maintaining a low-density residential character, which is already regulated by the OMLUS.
(c)	<i>the personal benefits which will accrue to the person seeking the</i>	The removal of the conditions will enable the owner to subdivide the property and develop

	<i>removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended;</i>	an additional dwelling, thereby unlocking the development potential of the property and allowing for a more efficient and reasonable use of the land in line with current planning policies.
(d)	<i>the social benefit of the restrictive condition remaining in place in its existing form;</i>	The social benefit of retaining the condition is limited, as the objectives of controlling density and maintaining residential character are already effectively achieved through the provisions of the OMLUS. Retaining the condition would unnecessarily restrict appropriate development.
(e)	<i>the social benefit of the removal, suspension or amendment of the restrictive condition; and</i>	
(f)	<i>whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.</i>	

In summary, the removal of these restrictive title deed conditions will be beneficial to the owners of the subject property, as it enables a reasonable and appropriate utilisation of the land. Furthermore, the removal will not introduce development rights that are inconsistent with, or exceed, what is permitted in terms of the Overstrand Municipality Land Use Scheme, 2020 (OMLUS). The proposed development will remain subject to the applicable zoning and development parameters, thereby ensuring that the character and amenity of the surrounding area are maintained.

3.2 Subdivision of Erf 374, Sandbaai into Portion A, $\pm 476\text{m}^2$ and the Remainder, $\pm 1071\text{m}^2$;

3.3 Exemption to allow the registration of a right of way servitude.

Erf 374 Sandbaai is proposed to be subdivided into two portions. The owner intends to develop the subdivided property himself with an additional dwelling that he can rent out on and generate some additional income from.

Erf 374 Sandbaai	1547m²
Proposed Remainder of Erf 374 Sandbaai	$\pm 1071\text{m}^2$
Proposed Portion A (A portion of Erf 374 Sandbaai)	$\pm 476\text{m}^2$

The proposed subdivided portion will be located at the rear of the property, with access to be provided via the registration of a right of way servitude in favour of Portion A. The proposed servitude will have an extent of approximately 90m^2 and will be used exclusively by the owners of Portion A, thereby ensuring safe and dedicated access without impacting on the functionality of the remainder.

The owners have recently constructed a new dwelling on the proposed remainder portion. Due to the positioning of this dwelling, the creation of a conventional panhandle erf is not feasible, as such a configuration would require the subdivision boundary to be located in close proximity to the existing structure. This would result in an undesirable interface with the

The proposed subdivision layout has therefore been carefully considered to respond to the existing built form on the property. The introduction of a right of way servitude, as opposed to a narrow panhandle configuration (allowing for building lines), represents a more appropriate and practical solution, ensuring that both the remainder and Portion A retain functional, well-configured development areas.

Furthermore, the proposed layout promotes good planning principles in that:

- It responds sensitively to the existing development on the property;
- It avoids awkward or constrained erf configurations;
- It ensures adequate access and circulation; and
- It maintains the amenity of both the proposed remainder and the subdivided portion.

The proposal therefore reflects a site-specific and context-driven design approach, which achieves a balanced outcome between development potential and practical layout considerations. In this regard, the proposed subdivision is overall functional, usable and the development potential of Portion A is not compromised.

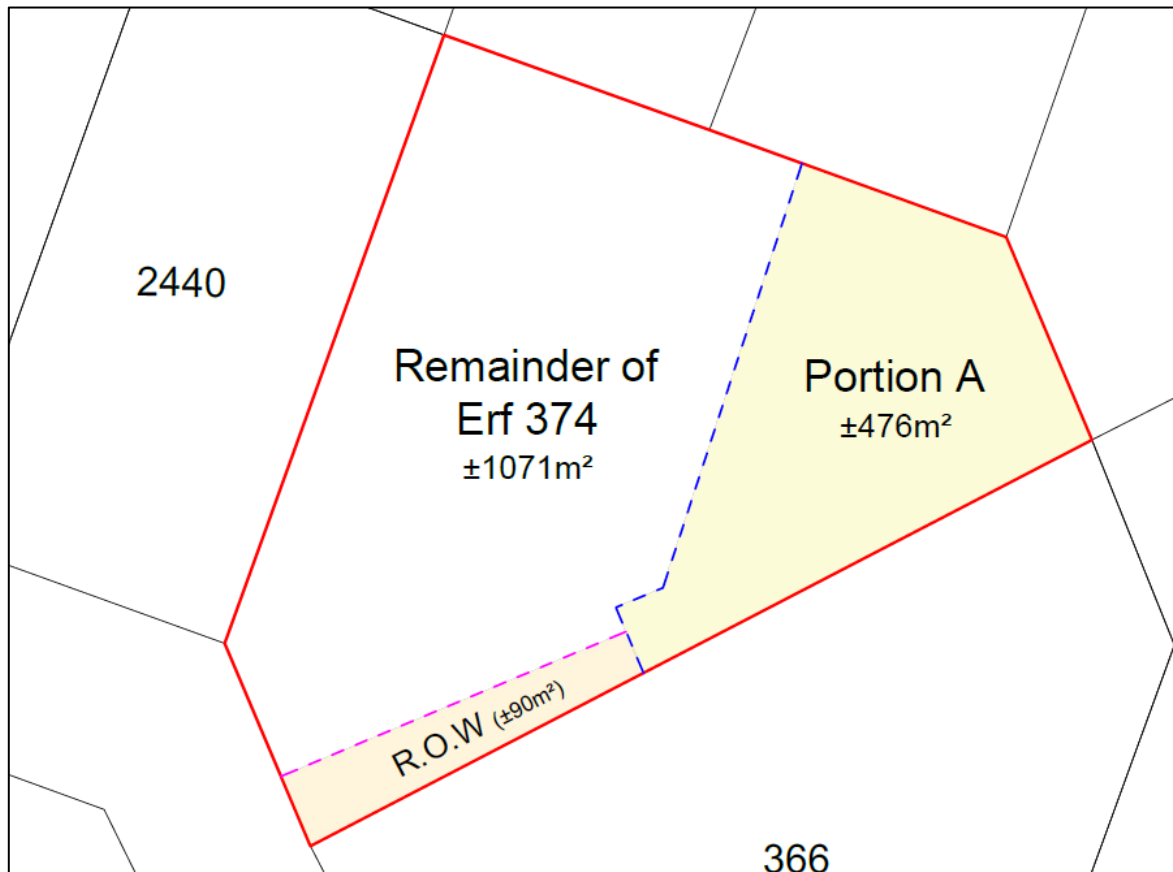


Figure 1: Proposed Subdivision and Right of Way Servitude

3.4 Permanent Departure of the eastern common building line from 2m to 1,5m to allow the proposed subdivision;

As previously mentioned, the owners have recently constructed a new dwelling on the proposed remainder portion. Due to the position of this dwelling, a minor departure is required to reduce the building line between the remainder and Portion A from the prescribed 2,0m to 1,5m.

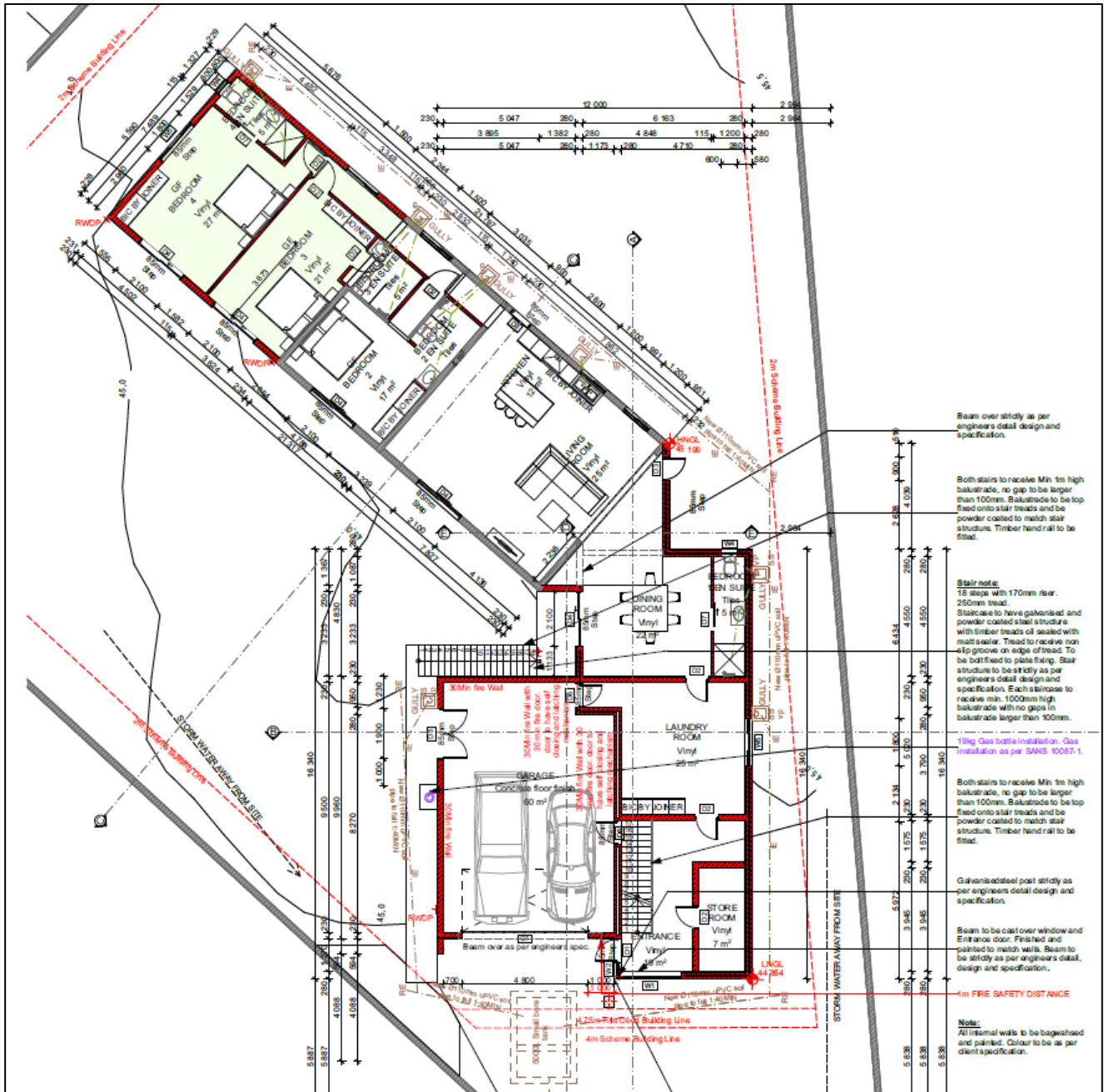


Figure 2: Existing Dwelling on the proposed Remainder.

The need for this departure arises directly from the placement of the existing dwelling, which was designed and constructed prior to the finalisation of the subdivision proposal. The subdivision layout has subsequently been designed around the existing built form to avoid unnecessary demolition or structural alterations, resulting in a practical and site-responsive solution.

The proposed departure is limited in extent and affects only the rear portion of the dwelling. As illustrated in Figure 3 (extract of Plan 4), the encroachment occurs primarily along the external wall of the structure, with the majority of the affected area forming part of the building envelope rather than active internal living space. This significantly reduces any potential impact typically associated with building line encroachments.

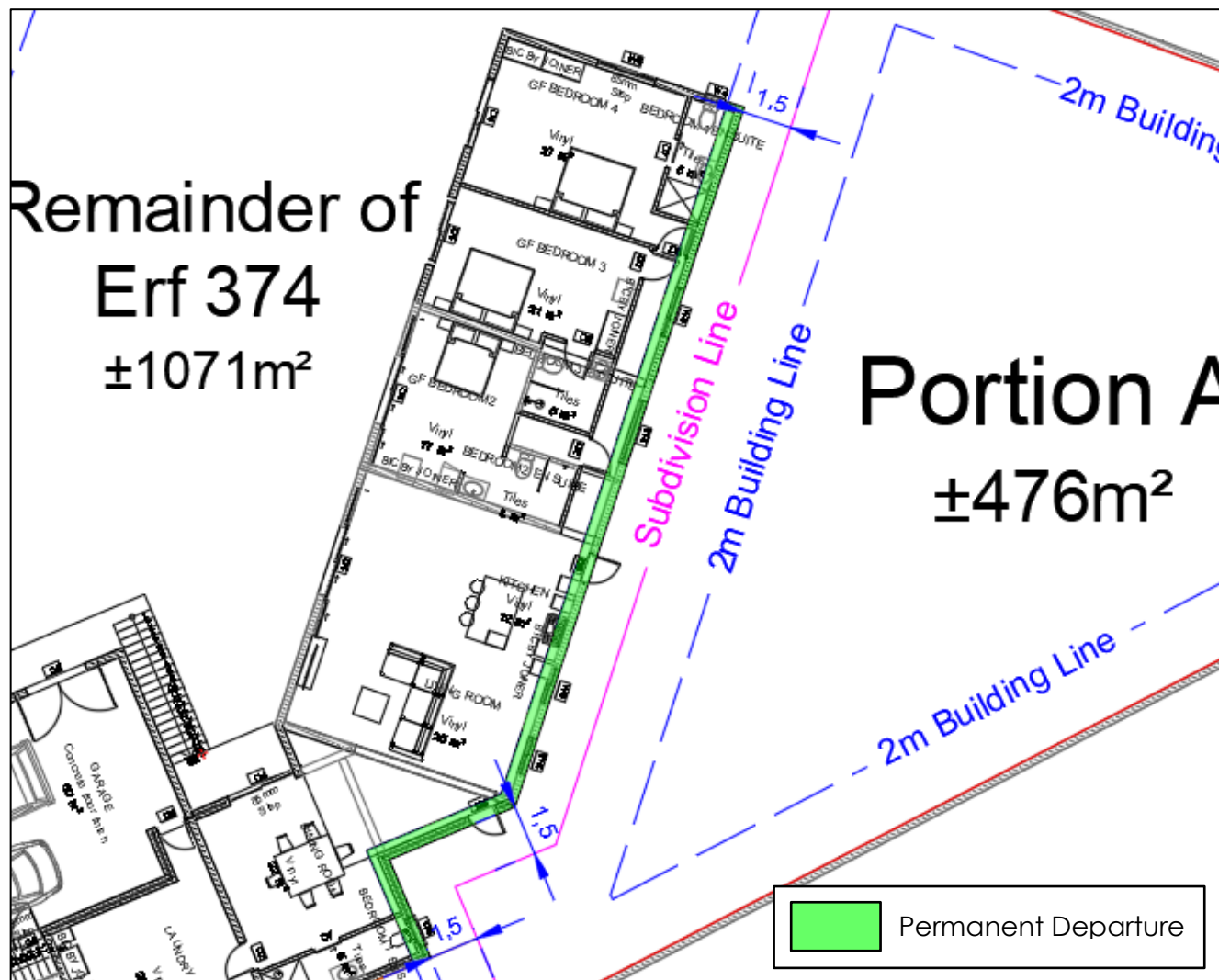


Figure 3: Proposed Departure of the 2m building line

Importantly, the reduced building line will not result in any material adverse impacts, for the following reasons:

- **The encroachment is internal to the subdivided portions and does not affect neighbouring properties:**

The proposed relaxation of the building line occurs along the internal boundary between the proposed remainder and Portion A. It does not interface with adjoining properties outside of the subject site. The departure will therefore not result in any encroachment towards neighbouring erven, and the external building lines will remain compliant at 2,0m, ensuring that neighbouring properties are not affected in terms of privacy, outlook or spatial separation.

- **Adequate separation between structures is maintained to ensure privacy, light and ventilation:**

Notwithstanding the reduced building line of 1,5m, sufficient spatial separation between the existing dwelling on the remainder and any future development on Portion A will still be achieved. The layout allows for appropriate building placement on Portion A, ensuring that privacy between the two dwellings is maintained, while also allowing for adequate natural light and ventilation. Furthermore, a minimum separation distance of 3,5m between the two dwellings will be maintained, ensuring that amenity is not compromised.

- **The character of the area remains unchanged, as the scale and form of development are consistent with surrounding properties:**

The existing dwelling is consistent in scale, height and architectural form with other residential structures in the surrounding Sandbaai area. The proposed departure does not alter the bulk or visual appearance of the building, nor does it introduce any development that is out of character with the established residential environment. The overall streetscape and neighbourhood character will therefore remain unaffected.

- **The departure is minor in nature and confined to a specific portion of the building:**

The encroachment is limited to a portion of the side of the dwelling and does not extend across the full length of the boundary. Much of the affected area is contained within the external wall of the structure rather than internal living space. The departure is therefore technical in nature, limited in extent, and does not give rise to any broader planning concerns.

From a planning perspective, the departure is justified as it:

- Responds to an existing lawful structure;
- Enables a practical and efficient subdivision layout;
- Avoids unnecessary structural alterations; and
- Does not undermine the intent of the building line control.

The proposal therefore represents a reasonable and site-specific relaxation of the development parameters, which will not negatively impact on the surrounding area or the future development potential of either portion.

4. PLANNING ASSESSMENT

4.1. ZONING

The subject property is zoned Single Residential in terms of the OMLUS. The proposed subdivision will result in two residential erven, both of which will continue to be utilised in accordance with the permitted primary use rights applicable to the zoning.

The proposed development does not introduce any new or incompatible land uses, and both the remainder and the subdivided portion will remain residential in nature. The proposal is therefore fully aligned with the intent of the Single Residential zoning, which provides for low-density residential development, including dwelling houses and associated ancillary uses.

Accordingly, the subdivision and subsequent development of an additional dwelling unit are consistent with the applicable zoning and will not alter the existing land use character of the area.

4.2. ENGINEERING SERVICES

The availability and adequacy of engineering services is a relevant consideration in terms of Section 42(1)(c)(v) of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA), and is addressed below. The subject property is already connected to existing municipal engineering service networks within the area, including electricity, potable water and sewerage (small bore).

The proposed subdivision is not anticipated to result in a drastic increase in demand on municipal engineering services, nor does it necessitate the upgrading or extension of existing infrastructure.

Refuse removal services are provided on a weekly basis by the Overstrand Municipality, and the proposal will not adversely affect the Municipality's ability to continue rendering this service. The application is therefore considered acceptable from an engineering services perspective.

Access, Egress and Parking

Access to and egress from the property are obtained from Duiker Crescent, which is an existing public road servicing the surrounding residential area.

4.3. POLICIES AND REGULATIONS

Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The property is not located within the Overstrand Municipality Environmental Protection Overlay Zone.

Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The property is not located within the Overstrand Municipality Heritage Protection Overlay Zone.

Spatial Planning Policies

Overstrand Municipality Spatial Development Framework (OMSDF)

The OMSDF sets out the overarching spatial vision and policy directives aimed at promoting a liveable, sustainable and well-managed urban environment. It encourages development that reinforces the unique sense of place associated with settlements in the Overstrand, while enhancing the visual quality of the built environment and maintaining the social and cultural attributes valued by residents.

Policy Objectives

The SDF supports development proposals that are contextually appropriate, located within the urban edge, and contribute to the efficient utilisation of land and existing infrastructure.

In this regard:

- The policy emphasises the importance of retaining the character of the Greater Hermanus area. The proposed subdivision and associated departures are consistent with the existing urban form and residential character of Sandbaai, as the development remains low-density and residential in nature.

- The SDF promotes development within the defined urban edge. The subject property is located within the urban edge of Sandbaai, and the proposal represents appropriate infill development that makes use of existing services and infrastructure.
- The proposal does not introduce a new land use, as both resultant portions will continue to be utilised for residential purposes. The application is therefore consistent with the spatial designation applicable to the property and does not conflict with the SDF.

Overstrand Municipal Growth Management Strategy (OMGMS)

The OMGMS aims to guide sustainable urban growth within the municipality by promoting efficient land use, infrastructure optimisation and improved access to housing opportunities. The strategy recognises the importance of managed densification in supporting viable and sustainable communities.

Policy Objectives

The OMGMS supports appropriate densification within the urban edge as a means to improve the efficiency of service delivery and to create additional residential opportunities.

In this regard:

- The policy promotes the efficient use of land within serviced urban areas. The proposed subdivision enables additional residential development on an already serviced property, thereby optimising existing infrastructure without requiring the expansion of the urban footprint.
- The policy encourages development that is compatible with the scale, character and form of the surrounding area. The proposed subdivision and future development of an additional dwelling will remain consistent with the established residential character of Sandbaai and will not introduce excessive bulk or scale.
- The proposal supports incremental densification through subdivision, which is specifically encouraged by the policy. This contributes to a more efficient settlement pattern while maintaining the amenity of the area.

The proposal is therefore considered to be fully aligned with the applicable spatial planning policies and should be supported.

4.4. PLANNING PRINCIPLES

Chapter 2 of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA) sets out five fundamental development principles that must be considered in all land use and development applications. The principles relevant to this proposal are addressed as follows:

Spatial justice

The proposal does not result in the exclusion of any group or create unequal access to land or opportunities. Instead, it facilitates the more equitable use of land by enabling an additional residential opportunity within an established urban area. The application therefore supports the fair and efficient utilisation of land without negatively impacting surrounding property owners.

Spatial sustainability and efficiency

The proposed subdivision promotes the efficient use of well-located land within the urban edge, making use of existing municipal infrastructure and services. The introduction of an additional dwelling on an already serviced property supports sustainable settlement patterns and reduces the need for outward urban expansion.

Spatial resilience

The proposal contributes to a more adaptable and flexible urban environment by allowing incremental densification within an established neighbourhood. This enhances the ability of the area to respond to changing housing needs over time without compromising its overall character or functionality.

Good administration

The application seeks to lawfully regularise the proposed subdivision and consolidation through the removal of outdated restrictive title deed conditions in accordance with the applicable legislative framework. The proposal is processed transparently and ensures legal certainty and orderly 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 will have a positive socio-economic impact by enabling the owner to generate additional income through the development of a second dwelling unit. It also contributes to the local housing supply within an established area, supporting incremental economic activity without placing strain on municipal resources.
Compatibility with surrounding uses	The proposed subdivision and development remain residential in nature and are therefore fully compatible with the surrounding land uses. The scale and form of development are consistent with the existing character of Sandbaai, ensuring that the proposal integrates seamlessly into the surrounding area.
Impact on the external engineering services	The subject property is already connected to existing municipal engineering services, including water, electricity and sewerage. The proposal is not expected to place a significant additional burden on these services, and no upgrading of infrastructure is expected.
Impact on safety, health and wellbeing of the surrounding community	The proposal does not introduce any land uses that may negatively affect the safety or wellbeing of the surrounding community. On the contrary, the formal development of the additional dwelling within a regulated framework contributes to a well-managed and maintained residential environment.
Impact on heritage	The proposed development does not affect any known heritage resources. The application is therefore not expected to have any negative impact on heritage significance within the area.
Impact on the biophysical environment	The proposal is limited to the subdivision of an existing erf. No environmentally sensitive features are affected, and no impacts on biodiversity, vegetation, or natural systems are anticipated. The proposal is therefore considered acceptable from an environmental perspective.
Traffic impacts, parking, access and other transport	The proposal will result in a minimal increase in traffic, which can be adequately accommodated by the existing road network. Access to the subdivided portion will be provided via a right of way servitude, ensuring

related considerations	safe and functional access. Parking will be provided in accordance with the requirements of the Overstrand Municipality.
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Impact on views, sunlight and character of the area

The proposed subdivision and associated development are not expected to result in any significant negative impact on views, sunlight or the overall character of the area. The scale and form of the proposed development remain consistent with the surrounding residential context, and no excessive bulk or height is introduced.

The additional dwelling will be developed in accordance with the applicable development parameters of the OMLUS, ensuring that adequate building setbacks, height restrictions and coverage controls are maintained. As such, the proposal will not result in undue overshadowing or loss of sunlight to adjoining properties.

Furthermore, the character of the area will remain unchanged, as the proposal maintains a low-density residential typology that is in keeping with the existing development pattern of Sandbaai. Any potential impact on views is considered limited and typical of residential infill development and does not constitute a material planning concern.

6. CONCLUSION

The proposed subdivision of Erf 374, Sandbaai, together with the removal of restrictive title deed conditions and the associated departures, has been thoroughly assessed against the applicable planning frameworks, including the Overstrand Municipality Land Use Scheme, 2020, the Spatial Development Framework, the Growth Management Strategy, SPLUMA principles, and the Overstrand Municipality By-Law.

The proposal represents a logical and site-responsive form of development that makes efficient use of land within the urban edge. It enables the property to be utilised in a manner that is consistent with current planning policies and development trends, while remaining compatible with the existing residential character of Sandbaai.

The requested departures are minor and technical in nature, arising from the position of an existing lawful structure. These departures do not undermine the intent of the development controls and will not result in any material adverse impacts on neighbouring properties or the surrounding area. Similarly, the removal of the restrictive title deed conditions is justified, as these conditions are outdated and their original purpose is now adequately addressed through the provisions of the current land use scheme.

The proposal will not place undue strain on existing engineering services, will not negatively impact on traffic, safety, or the environment, and will maintain the amenity of the area. On the contrary, it promotes appropriate densification, supports efficient land use, and provides a positive socio-economic benefit to the property owner.

In light of the above, the application is considered to be desirable, compliant with the relevant planning policies and legislation, and aligned with sound planning principles. It is therefore respectfully submitted that the application be approved.

7. RECOMMENDATION

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

- 7.1 Removal of restrictive title deed conditions to accommodate the proposed subdivision** in terms of Section 16(2)(f) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020;
- 7.2 Subdivision** of Erf 374 Sandbaai into Portion A, $\pm 476 \text{ m}^2$ and the Remainder, $\pm 1071 \text{ m}^2$ in terms of Section 16(2)(d) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020;
- 7.3 Exemption of the registration** of a right of way servitude in terms of Section 26(1)(h)(v) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 7.4 Permanent Departure** of the eastern common building line from 2m to 1,5m to allow the proposed subdivision in terms of Section 16(2)(b) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020.

Plan 1: Locality Plan
Erf 374 - Sandbaai



Subject property

Plan prepared by: Thian Jansen

Tel: 028 313 1411

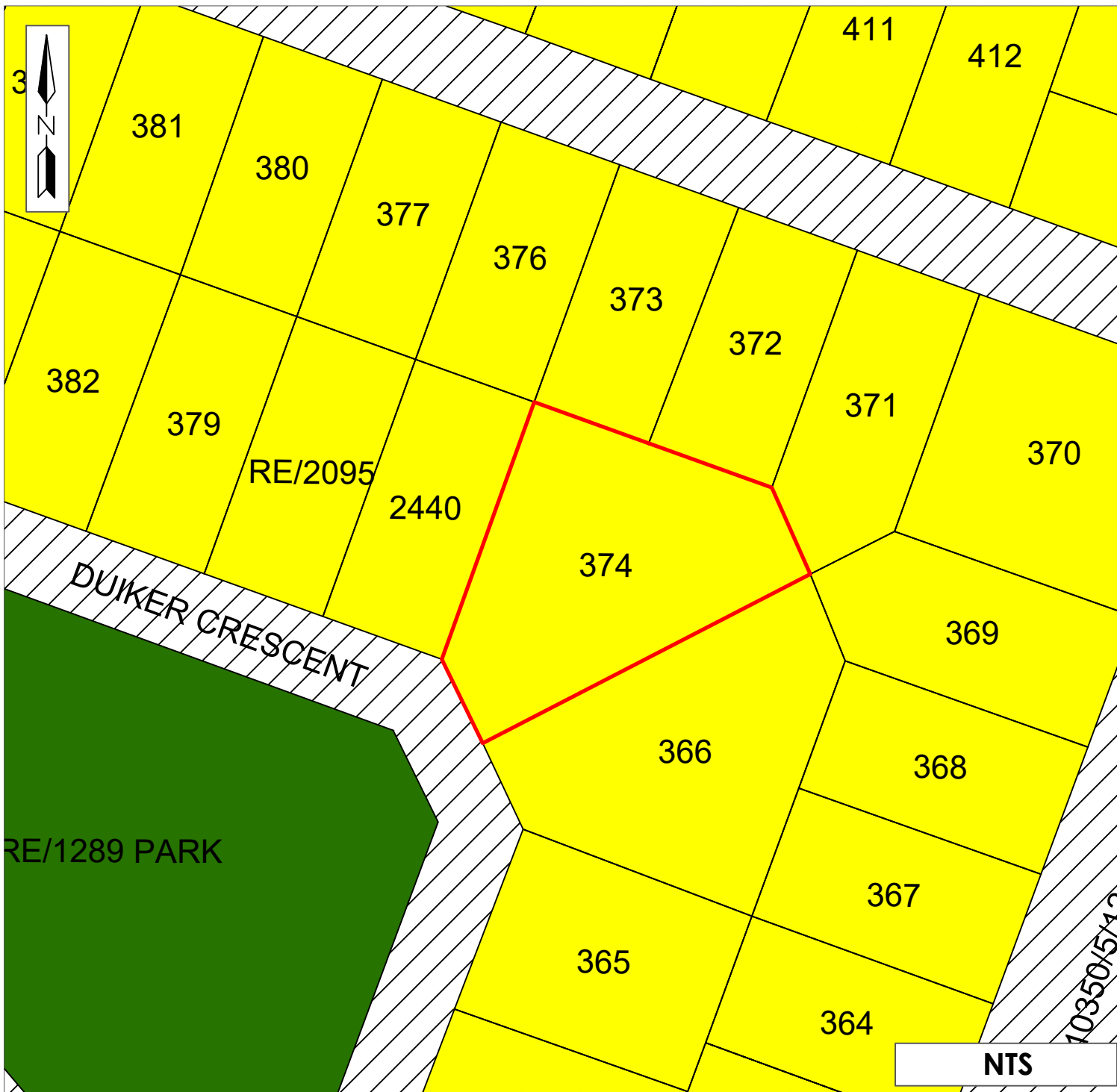
Email: admin@wrapgroup.co.za

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Plan 2: Zoning Plan

Erf 374 - Sandbaai



Residential Zone 1: Single Residential



Transport Zone 2: Road and Parking (Public)



Open Space Zone 2: Public Open Space

Plan prepared by: Thian Jansen

All distances are approximate
and subject to a survey

Tel: 028 313 1411

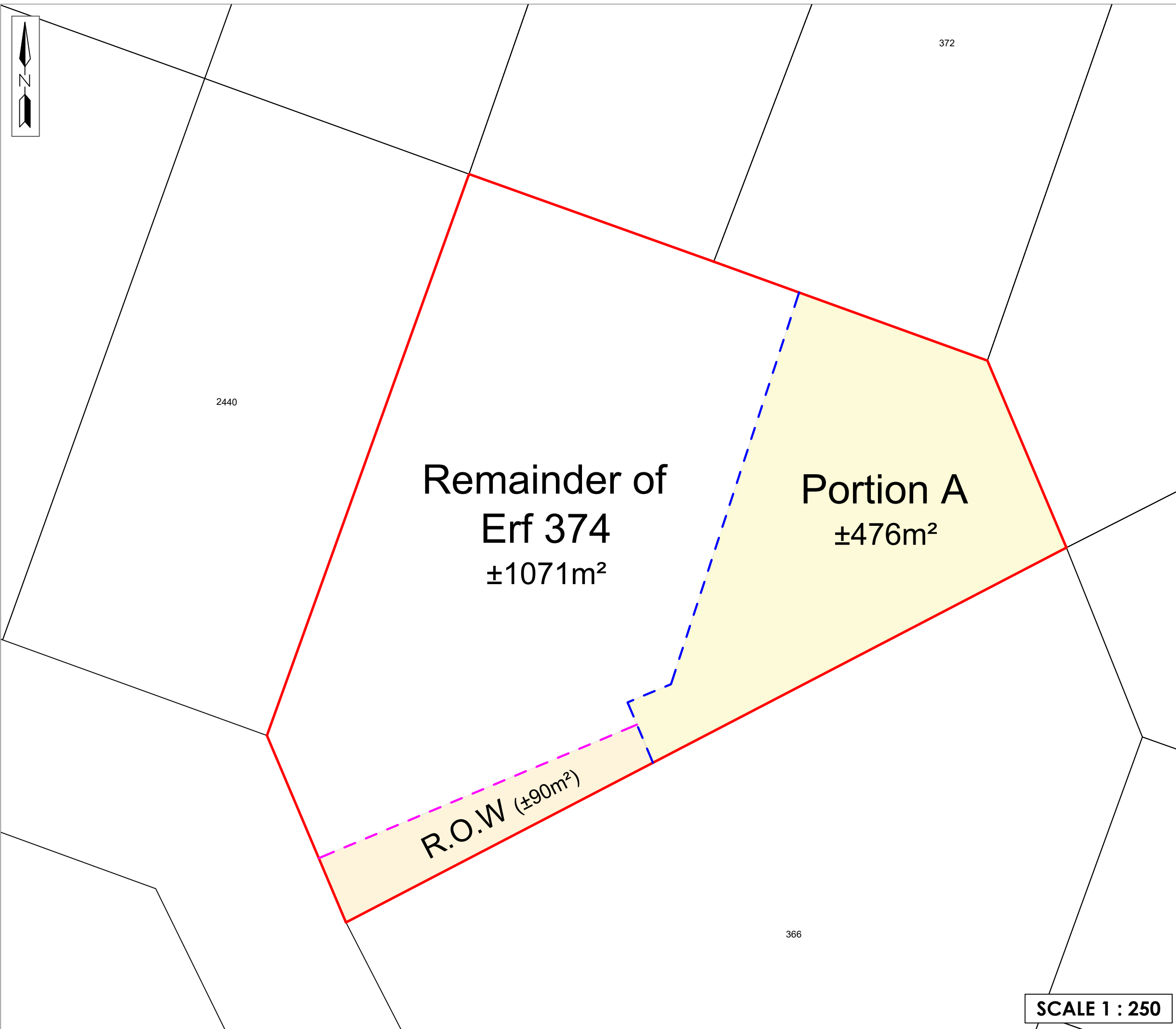
Email: admin@wrapgroup.co.za

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NTS



Plan 3: Subdivision Plan
Erf 374 - Sandbaai

Proposed Subdivision

Erf 374 - Sandbaai
1547m²

Remainder of
Erf 374 - Sandbaai
±1071m² (incl Right of Way)

Portion A
±476m²

**Total area exclusive to
Portion A**

±476m² + ±90m² = ±566m²

Plan prepared by: Thian Jansen on 17/03/2026

Plan Number - 25/79 (001)

All distances are approximate
and subject to a survey

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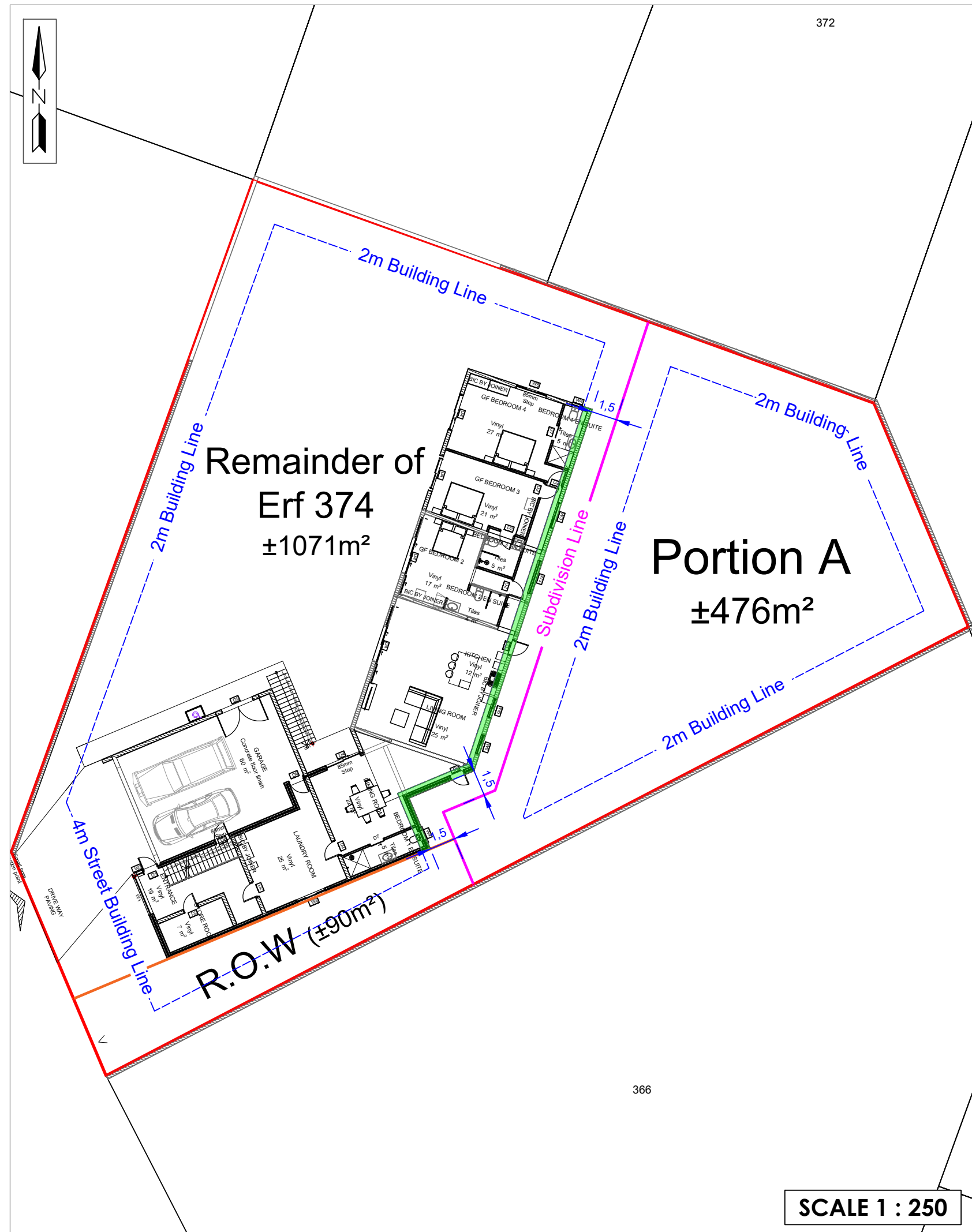


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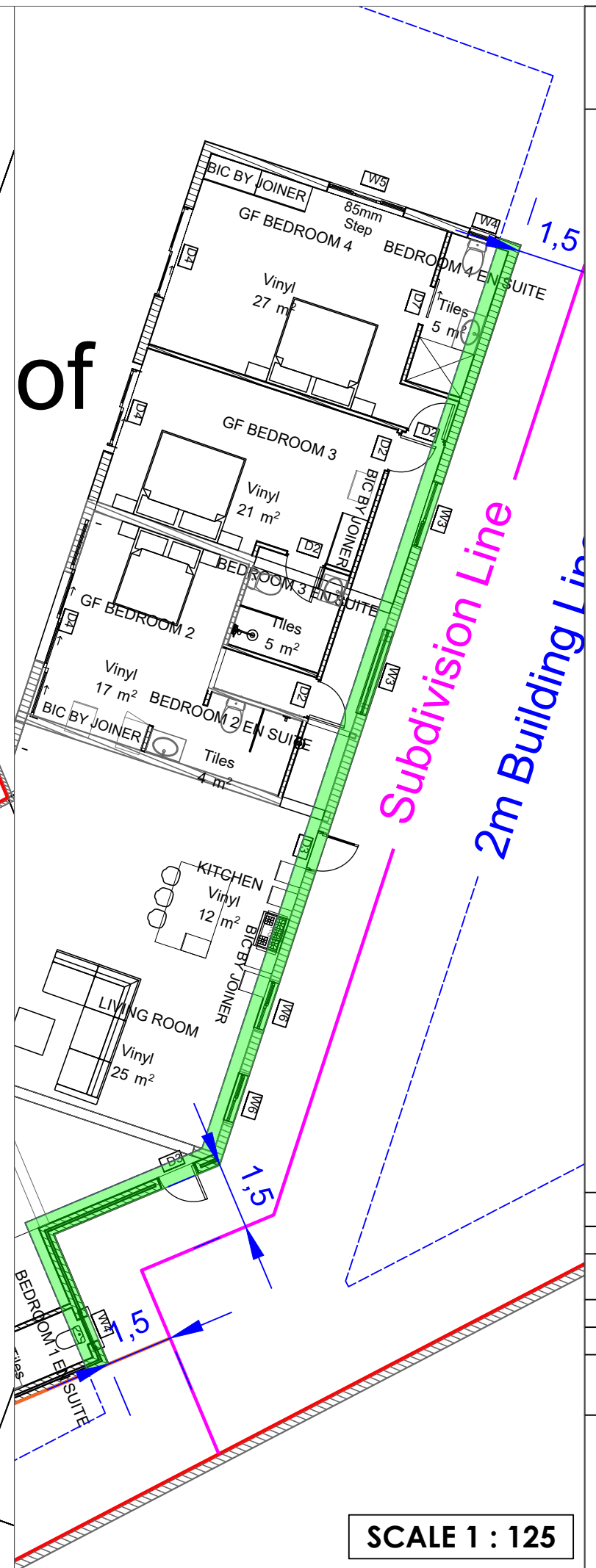


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Plan 4: Departure Plan
Erf 374 - Sandbaai



SCALE 1 : 250



SCALE 1 : 125

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