



OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
ERF 145, 2 FIFTH AVENUE, SANDBAAL AND ERF 146, 4 FIFTH AVENUE, SANDBAAL, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITIONS, SUBDIVISION AND CONSOLIDATION: WRAP PROJECT OFFICE ON BEHALF OF V LANDSBERG 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 Erven 145 and 146, Sandbaai, namely: Removal of Restrictive Title Deed Conditions Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions as follows: - A.(2).(c) as contained in Title Deed No. T5210/2026 applicable to Erf 145, Sandbaai and - B.(2).(c) as contained in Title Deed No. T22632/2026 applicable to Erf 146, Sandbaai, to facilitate the proposed subdivision and to permit the development of additional dwellings. Subdivision Application in terms of Section 16(2)(d) of the By-Law to subdivide Erf 146 into two portions, namely Portion A (±56m²) and the Remainder (±777m²). Consolidation Application in terms of Section 16(2)(e) of the By-Law to consolidate proposed Portion A (±56m²) with Erf 145 (±1008m²) to create a consolidated property of ±1064m² in extent. Subdivision Application in terms of Section 16(2)(d) of the By-Law to subdivide the newly consolidated property (±1064m²) into Portion B (±532m²) and Portion C (±532m²). 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 28 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>	ERF 145, VYFDELAAN 2, SANDBAAL EN ERF 146, VYFDELAAN 4, SANDBAAL, OVERSTRAND MUNISIPALE AREA: AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDES, ONDERVERDELING EN KONSOLIDASIE: WRAP PROJECT OFFICE NAMENS V LANDSBERG Kragtens Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die volgende aansoek van toepassing op Erwe 145 en 146, Sandbaai, naamlik: Opheffing van Beperkende Titelaktevoorwaardes Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaardes soos volg: - A.(2).(c) soos vervat in Titelakte Nr. T5210/2026 van toepassing op Erf 145, Sandbaai en - B.(2).(c) soos vervat in Titelakte Nr. T22632/2026 van toepassing op Erf 146, Sandbaai, om die voorgestelde onderverdeling te fasiliteer en om die ontwikkeling van addisionele wooneenhede moontlik te maak. Onderverdeling Aansoek ingevolge Artikel 16(2)(d) van die Verordening om Erf 146 in twee gedeeltes te onderverdeel, naamlik Gedeelte A (±56m²) en die Restant (±777m²). Konsolidasie Aansoek ingevolge Artikel 16(2)(e) van die Verordening om voorgestelde Gedeelte A (±56m²) met Erf 145 (±1008m²) te konsolideer ten einde 'n gekonsolideerde eiendom van ±1064m² in grootte te skep. Onderverdeling Aansoek ingevolge Artikel 16(2)(d) van die Verordening om die nuut gekonsolideerde eiendom (±1064m²) te onderverdeel in Gedeelte B (±532m²) en Gedeelte C (±532m²). 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 28 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 Bepalinge 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>	IZIZA 145, 2 FIFTH AVENUE, SANDBAAL KUNYE IZIZA 146, 4 FIFTH AVENUE, SANDBAAL: OVERSTRAND UMMANDLA KAMASIPALA: ISICelo SOKUSUSWA KWEEMeko EZITHINTLAYO KWITAYITILE YOBUNINI, UKWAHLULWA KUNYE NOKUHLANGANISA MESSRS WRAP PROJECT OFFICE EGAMENI LIKA V LANDSBERG Isaziso siyanikezelwa ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala oLungisiweyo kaMasipala waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) izicelo esebenzayo kwiZiza-145 kunye 146, Sandbaai, esizezi: Sokususwa kweemeko ezithintelayo kwitayitile yobunini Isicelo ngokungqinelana neCandelo 16(2)(f) loMthetho kaMasipala sokususwa kwemiqathango yesithintelo setayitile yobunini ngolu hlobo lulandelayo: - A.(2).(c) njengoko kuqulethwe kwiSivumelwano soBunini Nomb T5210/2026 esebenza iSiza 145, eSandbaai kunye - B.(2).(c) njengoko kuqulethwe kwiSivumelwano soBunini Nomb T22632/2026 esebenza iSiza 146, eSandbaai, ukuze kuququzelelwe ulwahlulo olucetywayo kunye nokuvumela uphuhliso lweendawo zokuhlala ezongezelelweyo. Uwahlulo Ukwenziwa kwesicelo ngokweCandelo le-16(2)(d) loMthetho kaMasipala ukwahlula iSiza-146 sibe zizahlulo ezibini, ezizezi, iSahlulo A (±56m²) ngokobubanzi neNtsalela (±777m²) ngokobubanzi. Ukudityaniswa Ukusetyenziswa ngokweCandelo le-16(2)(e) loMthetho kaMasipala ukuze kudityaniswa iSahlulo A esicetywayo (±56m²) kubungakanani beSiza-145 (±1008m²) ukuze kuyilwe ipropati enye eyi-±1064m² ubukhulu. Uwahlulo Ukwenziwa kwesicelo ngokweCandelo le-16(2)(d) loMthetho kaMasipala ukwahlula ipropati esanda kudityaniswa (±1064m²) ibe yiSahlulo B (±532m²) kunye neSahlulo C (±532m²). Iinkcukacha ezipheleleyo mayela nezi ziphakamiso zingentla ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini ukusukela phakathi kwentsimbi ye08:00 neye16:30 kwiSebe: LeziCwangciso zeDolophu noBume beNdawo, 16 Paterson Street, nakwiwebhpeyiji 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 28 EyeThupha 2026, kunye negama lakho, idilesi, iinkcukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zokuphawula. Imibuzo ngomnxeba ingenziwa kuMchwangcisi weDolophu, uMnu B Minnaar kule nombolo 028-313 8088. UMasipala unokwala ukwamkela izimvo emva komhla wokuvula. 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, iinkcukacha 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 si yeNomb: 147/2026



Plan 1: Locality Plan

Erven 145 & 146 - Sandbaai



Subject properties

Plan prepared by: Thian Jansen

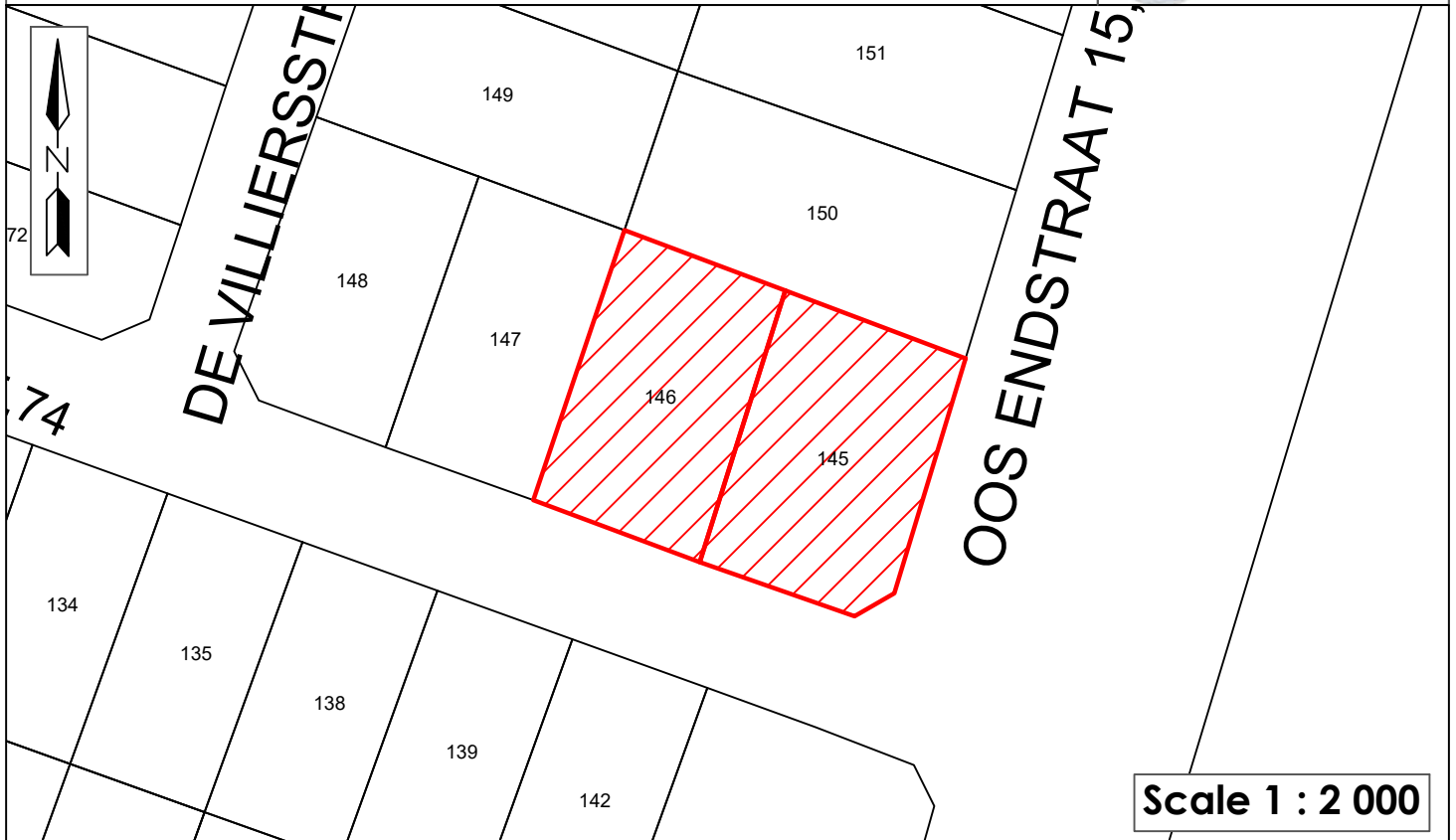
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ERF 145 & 146 SANDBAAI

APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, SUBDIVISION AND CONSOLIDATION

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Submitted

May 2026 – VERSION 1



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1. PROPERTY DETAILS

Erf Number	Erf 145 Sandbaai	Erf 146 Sandbaai
Extent	1008m ²	833m ²
Title Deed	T5210/2026	T22632/2026
Zoning	Residential Zone 1: Single Residential	

2. EXECUTIVE SUMMARY

This application pertains to Erven 145 and Erf 146, Sandbaai, hereafter collectively referred to as the subject properties, situated in Fifth Avenue, Sandbaai, as indicated on **Plan 1 (Locality Plan)**. The registered owner of the properties has appointed WRAP Project Office to act on her behalf in the submission and processing of this land use application, as confirmed in **Annexure A (Power of Attorney)**.

The subject properties are registered in the name of the same owner. The owner proposes the subdivision of the properties in order to create three residential erven within the existing urban area of Sandbaai. Each of the proposed erven will be capable of accommodating a dwelling house in accordance with the development parameters applicable to the underlying zoning.

The implementation of the proposal is, however, constrained by restrictive title deed conditions applicable to the properties. The application therefore seeks the removal of the relevant restrictive title deed conditions in order to facilitate the proposed subdivision and consolidation required in terms of the applicable planning legislation and land use scheme provisions.

The application is motivated on its planning merits and seeks to achieve a logical and orderly land configuration that is compatible with the surrounding residential character of Sandbaai. The proposal represents an appropriate form of infill development within the existing urban edge and aligns with the intent of the applicable zoning and development parameters. Furthermore, the application supports the efficient utilisation of well-located urban land and contributes towards the continued consolidation of the established residential fabric of the area.

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, the proposed subdivision of the subject properties and the development of additional dwelling houses are constrained by restrictive title deed conditions applicable to Erven 145 and Erf 146, Sandbaai. These conditions were imposed by the Administrator at the time of the original establishment of the township and continue to regulate the manner in which the properties may be developed.

The application therefore seeks the removal of the relevant restrictive title deed conditions in order to facilitate the proposed subdivision and associated residential development.

Erf 145, Sandbaai – T5210/2026
<i>“A. SUBJECT further to the following special conditions contained in Deed of Transfer No. T11915/1940 dated 4 December 1940:”</i>
Proposed sub-conditions to be removed under Condition (2):
<i>“(b) Dat die bogemelde erf of erwe nie onderverdeel sal word nie.</i>
<i>(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 as helfte van die oppervlakte van elke erf gebou sal word nie.”</i>

Erf 146, Sandbaai – T22632/2026
<i>“B. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. T18865/1945, namely:”</i>
Proposed sub-conditions to be removed under Condition (2):
<i>“(b) That the above erf or erven be not subdivided.</i>
<i>(c) That not more than one dwelling together with the necessary outbuildings and accessories be erected on any one of the above erven and that not more than one-half the area of any one of the above erven be built upon.”</i>

Sub condition (b) prohibits the subdivision of the properties, while sub condition (c) restricts development to a single dwelling house on each erf. These restrictive conditions are therefore directly incompatible with the proposed development initiative.

The removal of the aforementioned restrictive title deed conditions is accordingly required to enable the proposed subdivision of Erven 145 and Erf 146, Sandbaai, and to permit the development of additional dwelling houses on the newly created portions. The removal of these conditions will facilitate a more efficient and logical utilisation of well-located urban land within the existing residential fabric of Sandbaai, without undermining the character or amenity of the surrounding area.

Motivation for the removal of conditions
Erf 145, Sandbaai – T5210/2026 – A(2)(b) Erf 146, Sandbaai – T22632/2026 – B(2)(b)
Status quo
The subject properties are 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 Erven 145 and Erf 146, Sandbaai, will not introduce a land use that is inconsistent with the surrounding residential character of the area. Instead, the proposal represents a logical and orderly form of residential intensification that aligns with the development pattern that has gradually emerged within Sandbaai. The removal of the

restrictive title deed conditions will therefore allow the properties 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 conditions 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.

Furthermore, the removal of the restrictive title deed conditions will not result in undesirable precedent or materially alter the character of the surrounding area. The proposed subdivision remains residential in nature and is compatible with the existing land use pattern of Sandbaai. The proposal will enable a more efficient utilisation of well-located urban land within the existing urban edge while remaining subject to all applicable municipal development controls and statutory requirements.

Motivation for the removal of conditions

Erf 145, Sandbaai – T5210/2026 – A(2)(c)

Erf 146, Sandbaai – T22632/2026 – B(2)(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 conditions 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 properties are 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 restrictions limit development to a single dwelling per erf, the current OMLUS makes provision for additional residential opportunities through subdivision and appropriately scaled residential development, 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 subdivision of larger erven and the development of additional residential units. This reflects the 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 properties are of a size and configuration that can reasonably accommodate the proposed subdivision and future residential development without resulting in overdevelopment or negatively impacting surrounding properties. The proposed development will remain subject to the applicable provisions of the OMLUS, including controls relating to coverage, building lines, height and parking requirements, thereby ensuring that the existing residential character and amenity of the area are maintained.

The existing title deed restrictions are therefore considered outdated, as they no longer reflect the prevailing development patterns or the current regulatory framework governing land use within the area. Their removal will facilitate a more appropriate and efficient utilisation of the subject properties while ensuring that future development remains compatible with the surrounding neighbourhood.

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)	<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 title deed conditions were historically imposed to regulate the development intensity and residential character of the area at a time when comprehensive land use management systems were limited. While neighbouring property owners may notionally derive value from the continuation of the restrictions, these rights have largely been superseded by the current statutory planning framework and development controls contained in the Overstrand Municipality Land Use Scheme, 2020 (OMLUS).

		The removal of the restrictive conditions will not deprive neighbouring owners of reasonable development protection, as all future development will remain subject to municipal approval processes and the applicable development parameters regulating matters such as coverage, building lines, height and land use.
(b)	<i>the personal benefits which accrue to the holder of rights in terms of the restrictive condition;</i>	The personal benefit accruing to surrounding property owners primarily relates to maintaining the low-density residential character historically associated with the area. However, the broader Sandbaai area has evolved over time and now reflects a more varied residential pattern, including subdivisions and additional residential development within the existing urban fabric. The retention of the restrictive conditions therefore provides limited additional benefit beyond the protections already afforded through the OMLUS and municipal planning controls.
(c)	<i>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;</i>	The removal of the restrictive title deed conditions will enable the owner to utilise the properties in a more efficient and economically viable manner through the proposed subdivision and future residential development opportunities. The proposal will allow for the creation of three appropriately sized residential erven within an established urban area, thereby unlocking the development potential of the land while remaining compatible with the surrounding neighbourhood character and municipal planning framework.
(d)	<i>the social benefit of the restrictive condition remaining in place in its existing form;</i>	There is limited broader social benefit in retaining the restrictive conditions in their existing form, particularly given that the objectives originally served by the conditions are now comprehensively addressed through the provisions of the OMLUS. The continued enforcement of historic title deed restrictions alongside modern land use management mechanisms results in duplication and may unnecessarily constrain appropriate urban development within the existing urban edge.

(e)	<i>the social benefit of the removal, suspension or amendment of the restrictive condition; and</i>	The removal of the restrictive conditions will facilitate the more efficient utilisation of well-located urban land within an established residential area. The proposal supports orderly urban infill development and contributes towards accommodating residential growth within the existing urban footprint, thereby reducing pressure for outward urban expansion. Furthermore, the proposal aligns with broader spatial planning principles promoting compact urban form, efficient infrastructure utilisation and the optimisation of land within serviced urban areas.
(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>	The removal of the restrictive conditions will not completely remove all rights enjoyed by surrounding property owners or beneficiaries. Neighbouring owners will continue to benefit from the development controls and protections contained in the OMLUS and other applicable legislation. Any future development on the subject properties will remain subject to municipal oversight and compliance with all applicable zoning and development parameters. The removal of the restrictive conditions therefore only removes outdated and duplicative controls, while retaining the broader regulatory framework intended to protect the character and amenity of the area.

In summary, the removal of the restrictive title deed conditions will be beneficial to the owners of the subject properties, as it will enable a reasonable, appropriate and more efficient utilisation of the land within an established urban area. The proposal facilitates a logical subdivision pattern that remains compatible with the surrounding residential character of Sandbaai and supports the orderly development of land within the existing urban edge.

Furthermore, the removal of the restrictive conditions will not introduce development rights that are inconsistent with, or exceed, those permitted in terms of the OMLUS. All future development on the subject properties will remain subject to the applicable zoning provisions and development parameters, including controls relating to coverage, building lines, height and land use rights. The character and amenity of the surrounding area will therefore continue to be protected through the municipality's contemporary land use management framework.

3.2 Subdivision of Erf 146, Sandbaai into Portion A, ±56m² and the Remainder, ±777m²;

The application proposes the subdivision of Erf 146, Sandbaai into two portions, namely Portion A, measuring approximately 56m², and the Remainder, measuring approximately 777m².

The purpose of the proposed subdivision is to facilitate a boundary adjustment between Erf 145 and Erf 146 Sandbaai, whereby the newly created Portion A will be consolidated with Erf 145 Sandbaai. The proposal is intended to achieve a more practical and logical land configuration that will improve the development potential and functionality of the resulting erven.

Following the subdivision and consolidation process, the reconfigured properties will be of a sufficient size and layout to accommodate future residential development, including additional dwelling opportunities in accordance with the applicable provisions of the OMLUS. The proposed subdivision does not introduce a new or incompatible land use within the area but rather represents a minor rationalisation of property boundaries within an established residential neighbourhood. The proposal will remain consistent with the surrounding residential character of Sandbaai and will contribute towards the more efficient utilisation of urban land within the existing urban edge. Refer to **Plan 3 – Subdivision Plan of Erf 146 Sandbaai**

The subdivision details are summarised as follows:

Erf 146 Sandbaai	833m²
Proposed Remainder of Erf 146 Sandbaai	±777m ²
Proposed Portion A (A portion of Erf 146 Sandbaai)	±56m ²

3.3 Consolidation of Portion A, ±56m² and Erf 145, Sandbaai, 1008m²;

The application further proposes the consolidation of Portion A, measuring approximately 56m², with Erf 145, Sandbaai, measuring approximately 1008m², in order to create a consolidated erf of approximately 1064m².

The proposed consolidation forms part of a broader rationalisation of the existing property boundaries between Erf 145 and Erf 146, Sandbaai. The consolidation will result in a more regular and functional erf configuration, thereby improving the overall development potential and layout efficiency of the resulting property. Refer to **Plan 4 – Consolidation Plan**.

The proposed consolidation will not alter the existing residential nature of the area, as it merely constitutes an administrative process to combine the two portions into a single property, which will subsequently enable the consolidated erf to be subdivided into two appropriately sized residential properties.

Erf 145 Sandbaai	1008m ²
Proposed Portion A (A portion of Erf 146 Sandbaai)	±56m ²
Consolidated Erf	±1064m²

3.4 Subdivision of the Consolidated Erf, ±1064m² into Portion B, ±532m² and Portion C, ±532m²;

The primary objective of this application is the proposed subdivision of the consolidated erf, measuring approximately 1064m², into two equal residential portions, namely Portion B and Portion C, each measuring approximately 532m².

Consolidated Erf	±1064m²
Proposed Portion B	±532m ²
Proposed Portion C	±532m ²

The proposed subdivision seeks to create two appropriately sized residential erven within the existing urban area of Sandbaai, both of which will be capable of accommodating dwelling houses in accordance with the applicable provisions of the OMLUS.

The subject property is favourably located on a corner erf, which allows both proposed portions to have direct street frontage and independent vehicular access. This significantly enhances the functionality and practicality of the proposed subdivision layout and avoids the need for undesirable panhandle configurations or constrained access arrangements.

The proposed subdivision layout has therefore been carefully considered in response to the existing context and surrounding built form. The layout achieves a logical and efficient land configuration while ensuring that both proposed portions retain functional and well-proportioned development areas capable of supporting future residential development.

Furthermore, the proposed subdivision promotes sound planning principles in that it:

- Responds appropriately to the existing urban fabric and surrounding residential character;
- Creates two regular and functional residential erven;
- Ensures adequate access, circulation and street interface for both properties;
- Facilitates the efficient utilisation of well-located urban land within the existing urban edge; and
- Maintains the amenity and development potential of both proposed portions.

The proposal represents a context sensitive and site-specific planning response that balances development potential with practical layout considerations. The resulting erven are considered appropriately sized and configured to accommodate future residential development without resulting in overdevelopment or negatively impacting the surrounding neighbourhood.

The proposed subdivision is therefore regarded as logical, desirable and consistent with the broader spatial planning objectives of promoting orderly urban infill development and the efficient utilisation of existing municipal infrastructure within established residential areas.

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 portions 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 the portions are proposed to be 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 properties are 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 is currently obtained from Fifth Avenue. Portion A will be accessed on East End Street and Fifth Avenue. Both are existing public roads 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 is 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 all 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 additional dwelling units on already serviced properties support 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 proposed subdivision and associated residential development will have a positive socio-economic impact by facilitating additional housing opportunities within the existing urban area of Sandbaai. The proposal supports the efficient utilisation of well-located urban land and existing municipal infrastructure, thereby contributing towards sustainable urban development principles. The creation of two additional residential erven will contribute modestly to the local property market and may generate short term economic activity during the construction phase through employment opportunities and the procurement of building related services and materials. Given the limited scale of the proposal and its residential nature, the development is not expected to place undue pressure on existing community facilities or municipal infrastructure. The proposal therefore represents an appropriate form of infill development within the existing urban edge.
Compatibility with surrounding uses	The subject properties are located within an established residential area characterised predominantly by single residential dwellings and associated residential development. The proposed subdivision and future residential use of the resulting erven are therefore entirely compatible with the surrounding land use pattern and neighbourhood character.

	The proposal does not introduce a non-residential or intrusive land use into the area. Instead, it facilitates a logical continuation of the existing residential development pattern within Sandbaai. The scale and nature of the proposed erven are consistent with the surrounding urban fabric and will not negatively impact the character or amenity of neighbouring properties. Furthermore, all future development on the proposed portions will remain subject to the development parameters contained in the Overstrand Municipality Land Use Scheme, 2020 (OMLUS), thereby ensuring that the residential character of the area is maintained.
Impact on the external engineering services	The proposed development is located within an established urban area already serviced by municipal engineering infrastructure, including water, sewerage, electricity and road networks. Given the limited scale of the proposal, the additional demand placed on external engineering services is expected to be minimal and within the capacity of the existing municipal infrastructure network. Any necessary service connections and upgrades required as part of future development will be addressed through the standard municipal approval processes and engineering requirements. The proposal is therefore not expected to result in an unacceptable impact on external engineering services.
Impact on safety, health and wellbeing of the surrounding community	The proposed subdivision and future residential development are not expected to negatively impact the safety, health or wellbeing of the surrounding community. The proposal remains residential in nature and is compatible with the established character and functioning of the surrounding neighbourhood. The development does not involve activities that may generate excessive noise, pollution, hazardous conditions or other nuisance factors that could adversely affect neighbouring properties or the broader community. In addition, the creation of well configured residential erven with direct street access contributes positively towards passive surveillance and the continued orderly development of the area.
Impact on heritage	This application relates to the subdivision and consolidation of residential properties within an established urban area and does not involve the demolition of known heritage resources or structures of recognised heritage significance. The proposal is not expected to negatively impact the cultural or heritage significance of the area. Should any heritage related concerns arise during future development processes, these will be addressed in accordance with the applicable heritage legislation and statutory requirements.
Impact on the biophysical environment	The subject properties are situated within the existing urban area of Sandbaai and are already disturbed through existing residential development and associated activities.

	The proposed subdivision itself will not have a significant impact on the biophysical environment, as it does not involve large scale land transformation or environmentally intrusive activities. Future residential development on the proposed erven will remain subject to the applicable municipal controls and environmental legislation where required. The proposal therefore represents an appropriate form of urban infill development within the existing urban edge and is not expected to result in significant environmental impacts.
Traffic impacts, parking, access and other transport related considerations	The proposed subdivision is not expected to generate traffic volumes that would materially impact the surrounding road network. The development remains residential in nature and will generate traffic movements comparable to those typically associated with single residential properties within the area. The subject property's corner location is advantageous, as it allows all proposed portions to obtain direct and independent vehicular access from the surrounding public roads. This avoids the need for panhandle access arrangements and contributes towards safe and practical access to both erven. Adequate on-site parking can be accommodated on each proposed portion in accordance with the requirements of the OMLUS. The proposal is therefore not expected to result in adverse traffic, parking or transport related impacts on the surrounding area.

Impact on views, sunlight and character of the area

The subject properties are currently vacant and therefore do not contain existing structures that contribute to established view corridors or built form patterns on the site itself. The proposed subdivision will facilitate future residential development that is consistent with the prevailing character and development rights applicable within the surrounding residential area of Sandbaai.

The proposed erven are appropriately sized and configured to accommodate dwelling houses in accordance with the development parameters of the Overstrand Municipality Land Use Scheme, 2020 (OMLUS), including controls relating to height, coverage and building lines. These controls are specifically intended to ensure that future development remains compatible with the surrounding area and does not result in unreasonable impacts on neighbouring properties.

Given the residential nature of the proposal and the compliance requirements imposed through the OMLUS and future building plan approval processes, the development is not expected to result in unacceptable impacts on sunlight access, privacy or the general amenity of adjoining properties.

Furthermore, the proposed subdivision pattern is considered compatible with the evolving residential character of Sandbaai, where moderate urban infill and subdivision of larger erven have become increasingly common within the existing urban edge. The proposal therefore represents a logical and context appropriate form of residential development that will integrate with the surrounding neighbourhood without materially altering the character of the area.

6. CONCLUSION

This application seeks approval for the removal of restrictive title deed conditions, the subdivision of Erf 146, Sandbaai, the consolidation of Portion A with Erf 145, Sandbaai, and the subsequent subdivision of the consolidated erf into two residential portions.

The proposal has been carefully considered within the context of the surrounding area, the applicable planning framework and the provisions of the OMLUS. The application represents a logical and orderly form of residential infill development within the existing urban edge and promotes the more efficient utilisation of well-located urban land and existing municipal infrastructure.

The proposed development remains compatible with the surrounding residential character of Sandbaai and will not introduce land uses or development rights that are inconsistent with the prevailing neighbourhood context. The resulting erven will be appropriately sized and configured to accommodate future residential development in compliance with the applicable zoning and development parameters.

Furthermore, the restrictive title deed conditions that form part of this application are considered outdated, as the objectives they were originally intended to achieve are now comprehensively regulated through the contemporary planning framework contained in the OMLUS. Their removal will therefore eliminate unnecessary duplication while still ensuring that future development remains appropriately controlled through municipal land use management mechanisms.

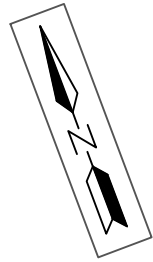
The proposal is not expected to result in unacceptable impacts relating to traffic, access, engineering services, environmental considerations, heritage resources, public safety, sunlight, views or the amenity of surrounding properties. Instead, the application facilitates a balanced and context sensitive development outcome that aligns with sound spatial planning and land use management principles.

It is therefore respectfully submitted that the application is desirable from a planning perspective and that approval thereof would be in the public interest and consistent with the broader objectives of orderly and sustainable urban development within the Overstrand Municipality.

7. RECOMMENDATION

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

- 7.1 Removal of restrictive title deed conditions to allow 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 146, Sandbaai into Portion A, $\pm 56\text{m}^2$ and the Remainder, $\pm 777\text{m}^2$ in terms of Section 16(2)(d) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020;
- 7.3 Consolidation** of Portion A, $\pm 56\text{m}^2$ and Erf 145, Sandbaai, 1008m^2 in terms of Section 16(2)(e) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020; and
- 7.4 Subdivision** of the Consolidated Erf, $\pm 1064\text{m}^2$ into Portion B, $\pm 532\text{m}^2$ and Portion C, $\pm 532\text{m}^2$ in terms of Section 16(2)(d) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020;



150

Portion A - $\pm 56\text{m}^2$

147

Remainder of
Erf 146
 $\pm 777\text{m}^2$

145

1,46

Plan 3: Subdivision Plan
Erf 146 - Sandbaai

Proposed Subdivision

Erf 146 - Sandbaai
 833m^2

Remainder of
Erf 146 - Sandbaai
 $\pm 777\text{m}^2$

Portion A
 $\pm 56\text{m}^2$

Plan prepared by: Thian Jansen on 25/5/2026

Plan Number - 26/70 (001)

All distances are approximate
and subject to a survey

Tel: 028 313 1411

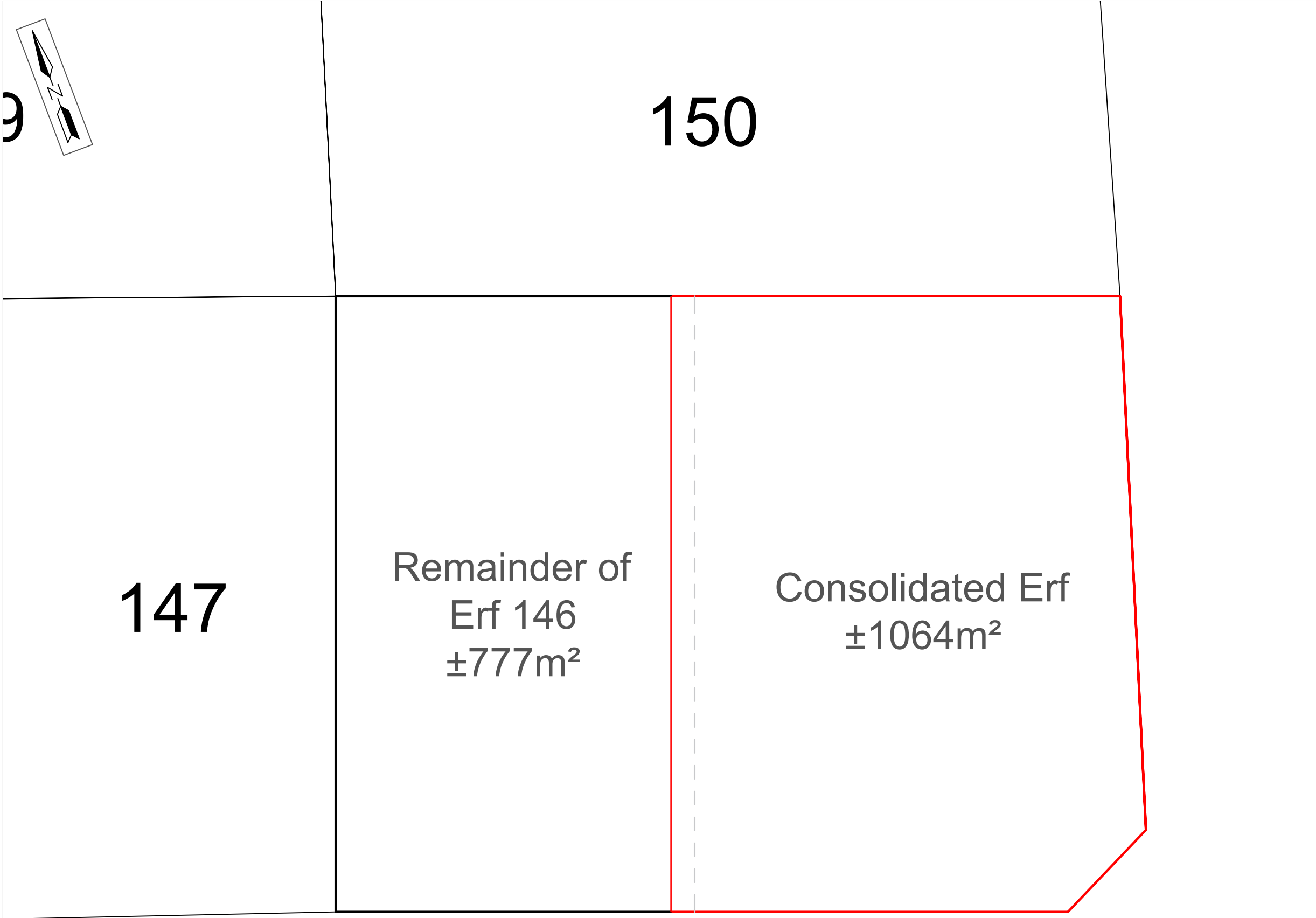
Email: admin@wrapgroup.co.za

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Town Planning & Project Management

SCALE 1 : 250



Plan 4: Consolidation Plan

Proposed Consolidation

Erf 145 - Sandbaai
1008m²

Portion A
 $\pm 56\text{m}^2$

Consolidated Erf
 $\pm 1064\text{m}^2$

Plan prepared by: Thian Jansen on 25/5/2026

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Tel: 028 313 1411

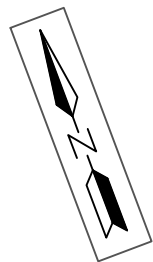
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SCALE 1 : 250



150

147

Remainder of
Erf 146
 $\pm 777\text{m}^2$

Portion B
 $\pm 532\text{m}^2$

Portion C
 $\pm 532\text{m}^2$

Plan 5: Subdivision Plan
Consolidated Erf

Proposed Subdivision

Consolidated Erf
 1064m^2

Portion B
 $\pm 532\text{m}^2$

Portion C
 $\pm 532\text{m}^2$

Plan prepared by: Thian Jansen on 25/5/2026

Plan Number - 26/70 (001)

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