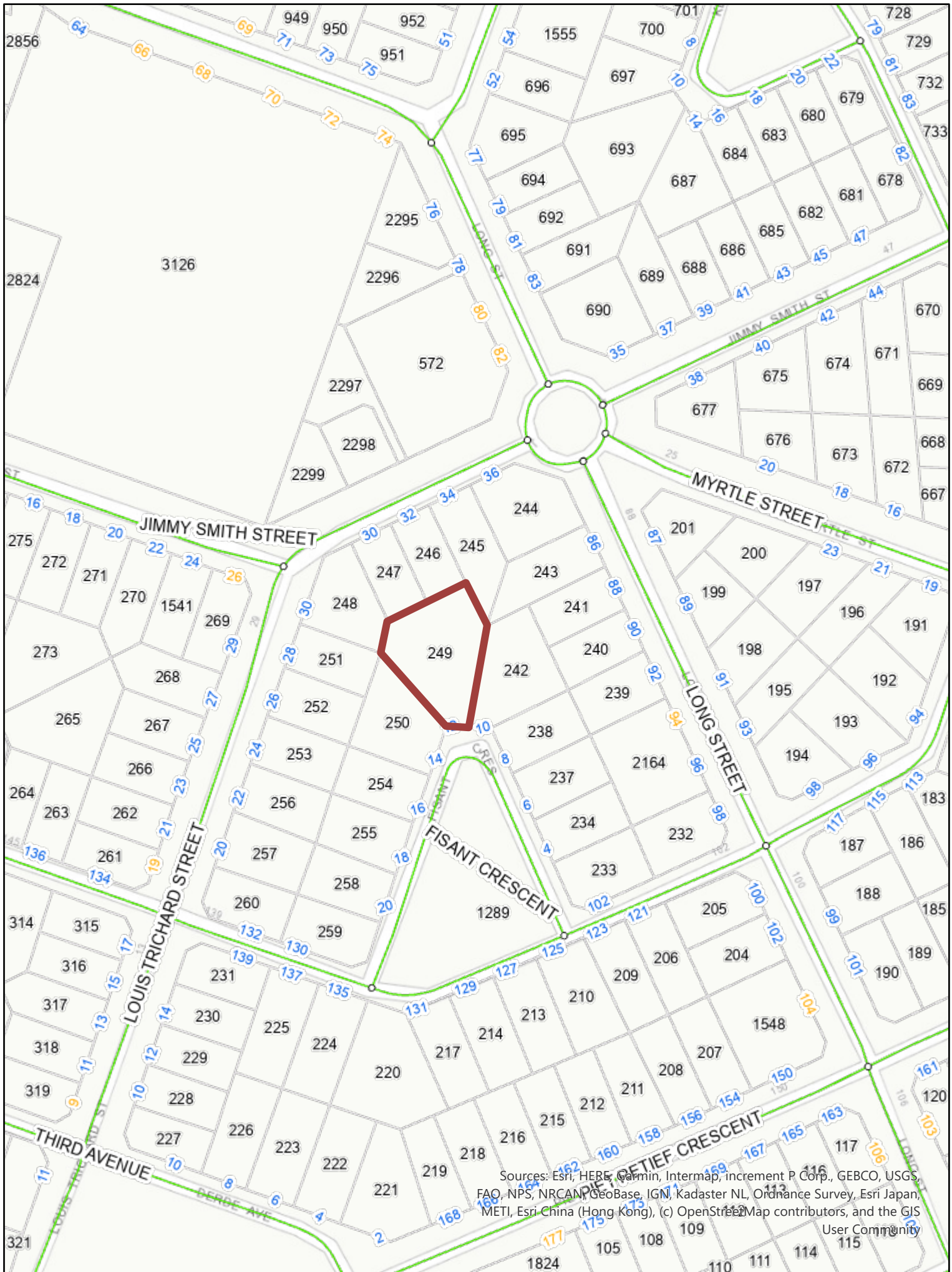




OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
<u>ERF 249, 12 FISANT CRESCENT, SANDBAAI:</u> <u>APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND SUBDIVISION: MESSRS WRAP PROJECT OFFICE ON BEHALF OF PB VAN DER WALT</u> Notice is hereby given in terms of Sections 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 249, 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 B.2.(b) and B.2.(c) as contained in Title Deed No. T94429/2002 to subdivide the subject property. <u>Subdivision</u> Application in terms of Section 16(2)(d) of the By-Law to subdivide the subject property into two portions, namely Portion A (±1078m²) and Remainder (±721m²) 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 4 September 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 249, 12 FISANTSINGEL, SANDBAAI: AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDES EN ONDERVERDELING: MESSRS WRAP PROJECT OFFICE NAMENS PB VAN DER WALT</u> 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 Erf 249, Sandbaai, naamlik: <u>Opheffing van beperkende titelaktevoorwaardes</u> Aansoek ingevolge Artikel 162(f) van die Verordening, vir die opheffing van beperkende titelaktevoorwaardes B.2.(b) en B.2.(c) soos vervat in Titelakte Nr. T94429/2002 om die betrokke eiendom te onderverdeel. <u>Onderverdeling</u> Aansoek ingevolge Artikel 16(2)(d) van die Verordening om die betrokke eiendom in twee gedeeltes te onderverdeel, naamlik Gedeelte A (±1078m²) en Restant (±721m²). 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 4 September 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>	<u>ISIZA 249, 12 FISANT CRESCENT, SANDBAAI: ISICELO SOKUSUSWA KWEEMKO EZITHINTELAYO KWITAYITILE YOBUNINI KUNYE UKWAHLULWA: MESSRS WRAP PROJECT OFFICE EGAMENI LIKA PB VAN DER WALT</u> Isaziso siyanikezelwa ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala oLungisiweyo kaMasipala waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) izicelo esebenzayo kwiSiza-249, Sandbaai, esizezi: <u>Sokususwa kweemeko ezithintelayo kwitayitile yobunini</u> Isicelo ngokweCandelo le-16(2)(f) loMthetho kaMasipala wokususwa kwemiqathango yetayitile ethintelayo B.2.(b) kunye B.2.(c) njengoko kuqulethwe kwiSivumelwano soBunini Nomb T94429/2002 ukwahlula ipropati yomxholo. <u>Uwahlulo</u> Ukwenziwa kwesicelo ngokweCandelo le-16(2)(d) loMthetho kaMasipala sokwahlulahlula ipropati ibe yizahlulo ezibini, ezizezi, iSahlulo A (±1078m²) ngokobubanzi neNtsalela (±721m²) ngokobubanzi. linkcukacha ezipheleleyo mayela nezi ziphakamiso zingentla ziyafumaneka ukuze zihlole kwiintsuku zaphakathi evelini ukusukela phakathi kwentsimbi ye08:00 naye16:30 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 wama4 Septemba 2026, kunye negama lakho, idilesi, iinkcukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zokuphawula. Imibuzo ngomnxeba ingenziwa kuMchwangciso weDolophu, uMnu B Minnaar kule nombolo 028-3138900. 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 zingabengezwa / 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: 155/2026





ERF 249 SANDBAAI

APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND SUBDIVISION

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Submitted

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1. PROPERTY DETAILS

Erf Number	Erf 249 Sandbaai
Extent	1799m ²
Title Deed	T94429/2002
Zoning	Residential Zone 1: Single Residential

2. EXECUTIVE SUMMARY

This application pertains to Erf 249, Sandbaai, hereinafter referred to as the subject property, situated at 12 Fisant Crescent, Sandbaai, as indicated on **Plan 1** (Locality Plan). The property owner has appointed WRAP Project Office to act on their behalf in the submission of this land use application, as confirmed by **Annexure A** (Power of Attorney).

The owner proposes to subdivide Erf 249, Sandbaai into two portions, with the remainder portion accommodating the outbuilding and Portion A accommodating the existing dwelling. The implementation of this proposal is, however, constrained by restrictive conditions contained in the title deed of Erf 249, Sandbaai. Accordingly, the application seeks the removal of restrictive title deed conditions 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, the lawful subdivision of the property and the establishment of a second dwelling on the resultant portions are constrained by certain restrictive conditions contained in the title deed. These conditions were originally imposed by the Administrator at the time of the establishment of the township.

Accordingly, the application seeks the removal of the relevant restrictive title deed conditions to facilitate the proposed subdivision and the associated development rights. The removal of these restrictions will enable a more efficient utilisation of the property while remaining compatible with the character and development pattern of the surrounding residential area.

B. VERDER ONDERWORPE aan die spesiale voorwaardes vervat in Transport Nr T 24439/1969:

- (2) *Opgelê deur die Administrateur by die goedkeuring van die totstandkoming van Sandbaai Dorpsgebied, naamlik:-*
- (a) Dat die hierbokeskrywe grond gebruik sal word slegs vir woningsdoeleindes.*
 - (b) Dat die bogemelde erf of 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 helfte van die oppervlakte van elkeen gebou sal word nie.*



(d) *Dat geen gebou op enigteen van die bogenoemde erwe binne 4,72 meters van enige grenslyn tussen gemelde erf en enige straat buite die land waaraan sulke erf grens, opgerig sal word nie; genoemde ruimte mag gebruik word vir tuinery maar sal nie gebou word nie.*

Sub condition (b) prohibits the subdivision of the property, while sub condition (c) restricts development to a single dwelling house on the property. These restrictions are directly at odds with the owner's development proposal.

The removal of the aforementioned restrictive title deed conditions is therefore required to enable the proposed subdivision of Erf 249, Sandbaai and to permit the retention of a dwelling on each of the resultant portions. The proposed development remains consistent with the residential character of the surrounding area and will not undermine the original intent of the restrictions, namely, to ensure orderly residential development within the township.

Motivation for the removal of conditions B (2) (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 been subdivided in accordance with the applicable planning policies and land use scheme provisions of the Overstrand Municipality, resulting in a gradual and orderly increase in residential density.

The proposed subdivision of Erf 249, Sandbaai will not introduce a land use that is inconsistent with the surrounding residential character of the area. Both resultant portions will continue to be utilised for single residential purposes, which remain the primary land use within the neighbourhood. The proposal therefore represents a logical and orderly subdivision of a property that is of sufficient size to accommodate two residential erven while maintaining compliance with the applicable planning framework.

The removal of the restrictive title deed condition will allow the property to be utilised in a manner that is consistent with the prevailing planning framework and the evolving urban form of the area, without detracting from the character or amenity of the surrounding neighbourhood.

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 regulate land use, development intensity and subdivision.

Since then, the regulatory planning framework has evolved significantly. The Overstrand Municipality Land Use Scheme, 2020, 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, subdivision requirements and the permissible use of land. The objectives originally served by the restrictive title deed conditions are therefore adequately addressed through the provisions of the current land use scheme and associated planning legislation.

The continued enforcement of historic title deed restrictions alongside a comprehensive land use management system results in unnecessary duplication and regulatory overlap.



Removing the restriction against subdivision will allow the proposed development to be assessed and regulated through the contemporary planning framework, which is specifically designed to guide development in a manner that promotes spatial efficiency, orderly growth and sustainable land use.

The proposed subdivision will create two appropriately sized residential erven that are compatible with the existing development pattern of the area and capable of accommodating residential development in accordance with the applicable zoning provisions. The removal of Condition B(2)(b) is therefore considered reasonable, desirable and consistent with sound planning principles.

Motivation for the removal of conditions B (2) (c)

Status Quo

The subject property is situated within an established residential area of Sandbaai characterised by single residential erven improved with dwelling houses and associated outbuildings. Although the title deed restricts development to a single dwelling house per erf, the current planning framework recognises the need for a greater variety of residential opportunities and makes provision for additional dwelling units, subject to compliance with the applicable zoning and development parameters.

Within the broader Sandbaai area, there has been a gradual trend towards residential intensification through the development of second dwellings and the subdivision of larger residential properties. This pattern of development reflects changing housing needs and promotes the more efficient utilisation of land and existing municipal infrastructure within the urban area.

The proposed removal of Condition B(2)(c) is required to facilitate the retention of a dwelling house on each of the resultant portions following subdivision. The proposal does not seek to introduce a non-residential land use, nor will it result in an intensity of development that is incompatible with the surrounding area. Both resultant erven will continue to be utilised for single residential purposes and will remain subject to the development controls contained in the OMLUS.

The proposed development is capable of complying with the applicable zoning provisions, including coverage, building lines and height restrictions. As such, the removal of the restriction will not adversely affect the residential character, visual amenity or functioning of the surrounding neighbourhood.

The existing title deed restriction is therefore considered outdated, as it no longer reflects the prevailing development patterns within the area or the contemporary regulatory framework governing land use and development. Its removal is considered reasonable and desirable from a planning perspective.

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 regulate 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 land use rights. The objectives originally served by the restrictive title deed conditions are therefore adequately addressed through the provisions of the current land use scheme.

The continued enforcement of historic title deed restrictions alongside a comprehensive land use management system result in unnecessary duplication and regulatory overlap. Removing the restriction limiting development to a single dwelling house per erf will allow the property to be developed and utilised in accordance with the contemporary planning framework established by the OMLUS, which is specifically designed to guide and regulate development within the municipality.

In terms of the requirements of LUPA, the table below addressed the removal of the restrictive title deed conditions 2(b) & 2(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 on any specific person or entity. The conditions are general in nature and were historically imposed as a mechanism to regulate development within the township rather than to protect identifiable private rights or interests.
(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 continued enforcement of the restrictive conditions. Any benefit is indirect and relates to the maintenance of a low-density residential environment, which is already regulated through the provisions of the OMLUS.
(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 conditions will enable the owner to subdivide the property and accommodate a dwelling on each of the resultant portions. This will unlock the development potential of the property and facilitate a more efficient and reasonable utilisation of the land in accordance with the applicable planning framework.
(d)	<i>the social benefit of the restrictive condition remaining in place in its existing form;</i>	The social benefit associated with retaining the restrictive conditions is limited. The objectives of controlling development intensity and maintaining the residential character of the area are already effectively achieved through the provisions of the OMLUS. Retaining the conditions would unnecessarily constrain appropriate development that is otherwise supported by the current planning framework.

(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 use of well-located urban land and support the orderly development objectives of the municipality. The proposal will contribute to the provision of additional residential opportunities within the existing urban area without placing undue pressure on municipal services or adversely affecting the character of the surrounding neighbourhood. Development will remain subject to all applicable land use and building controls, thereby ensuring that the public interest is protected.
(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 result in the loss of any specific or vested rights enjoyed by identifiable beneficiaries. The proposal merely removes historic restrictions that duplicate controls already contained in the OMLUS. Surrounding property owners will continue to enjoy the protection afforded by the municipality's land use management system, and the proposed development will remain subject to all applicable development parameters and approval processes.

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 249, Sandbaai into Portion A, $\pm 1078\text{m}^2$ and the Remainder, $\pm 721\text{m}^2$;

Erf 249, Sandbaai is proposed to be subdivided into two portions. The proposed Portion A, measuring approximately $1\,078\text{m}^2$, will accommodate the existing dwelling house, while the proposed remainder, measuring approximately 721m^2 , is currently occupied with an existing outbuilding / garage that the owners intend to retain and build a new dwelling thereon. The purpose of the subdivision is to create two independent residential properties.

Erf 249 Sandbaai	1547m²
Proposed Remainder of Erf 249 Sandbaai	$\pm 721\text{m}^2$
Proposed Portion A (A portion of Erf 249 Sandbaai)	$\pm 1078\text{m}^2$

The proposed subdivision will create equal access from the street to both resultant portions, with the proposed remainder being located to the rear of the property and access provided by means of a newly created panhandle driveway.

The panhandle configuration ensures that the remainder enjoys direct and secure access while maintaining the functionality and usability of both resultant portions.

The proposed subdivision layout has been informed by the location of the existing buildings on the property. The existing dwelling is situated on the proposed Portion A, which will remain fully functional following subdivision. Sufficient space will remain available on Portion A to accommodate a double garage, thereby ensuring adequate on-site parking and maintaining the residential amenity of the property.

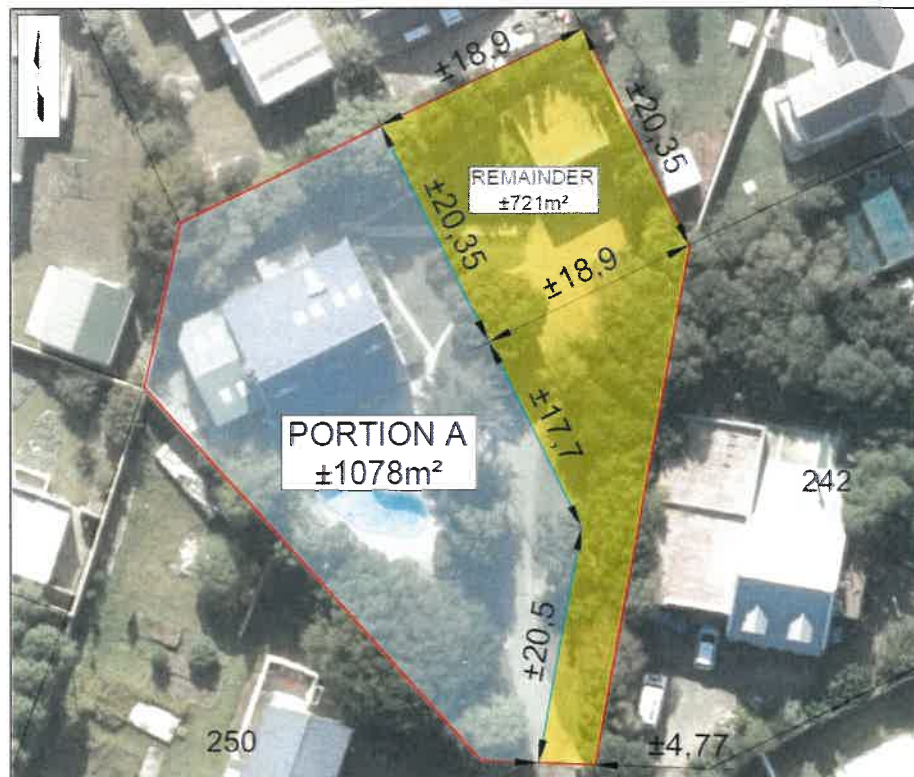


Figure 1: Proposed Subdivision and Right of Way Servitude

The subdivision boundaries have been carefully designed to create two functional residential properties, each with adequate private open space and development potential. The proposal allows for the retention of the existing dwelling on Portion A while creating a separate residential property that can be independently utilised and developed in accordance with the applicable provisions of the OMLUS.

The proposal represents a logical and site-responsive subdivision that makes effective use of the existing built form and the size of the property. Both resultant portions will remain suitable for single residential purposes and will be capable of accommodating future improvements in compliance with the applicable zoning and development parameters.

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

- Responds sensitively to the existing development on the property;
- Creates two functional and appropriately configured residential erven;
- Ensures safe and adequate access to both resultant portions;
- Maintains the residential amenity of the surrounding area;
- Provides adequate space for parking and ancillary residential improvements; and
- Facilitates the efficient use of urban land without resulting in overdevelopment.



The proposal therefore reflects a practical and context-sensitive subdivision design that achieves a balanced outcome between the owner's objectives and the orderly development of the area. The subdivision will enable the owner to dispose of Portion A, containing the existing dwelling, while retaining the remainder for continued residential use.

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

Policy Objectives

The OMGMS supports the efficient utilisation of land within the urban edge and encourages development that makes optimal use of existing infrastructure and services.

In this regard:

- The policy promotes the efficient use of land within serviced urban areas. The proposed subdivision will create two functional residential properties on land that is already serviced and developed, thereby making effective use of existing infrastructure without extending the urban footprint.
- The policy encourages development that is compatible with the scale, character and form of the surrounding area. The proposed subdivision remains consistent with the

established residential character of Sandbaai and will not introduce development that is out of scale with the surrounding neighbourhood.

- The proposal facilitates the more efficient utilisation of an existing residential property while maintaining the amenity and character of the area. Both resultant portions will remain suitable for residential use and will continue to be subject to the development controls contained in the Overstrand Municipality Land Use Scheme, 2020.

The proposal is therefore considered to be 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 promotes spatial justice by enabling the reasonable and equitable utilisation of privately owned land within an established urban area. The application does not exclude or disadvantage any person or community and will allow the property to be utilised in a manner that is consistent with the current planning framework. Furthermore, the proposal will create two independent residential properties within a serviced area, thereby supporting broader objectives of improving access to residential opportunities within the urban edge.

Spatial sustainability and efficiency

The proposal promotes spatial sustainability and efficiency through the more effective utilisation of an existing residential property located within a fully serviced urban area. No extension of municipal infrastructure or services is required, as both resultant portions will continue to rely on existing engineering services and road infrastructure.

The subdivision makes efficient use of land that is already developed and located within the urban edge. The proposal therefore supports the optimisation of existing infrastructure investment and contributes to a more efficient settlement pattern without resulting in urban sprawl or the unnecessary consumption of undeveloped land.

Spatial resilience

The proposal promotes spatial resilience by facilitating a land use pattern that can adapt to changing residential and property ownership needs over time. The creation of two independent residential properties provides flexibility in land ownership and utilisation while maintaining compatibility with the surrounding residential environment.

The proposal does not introduce land uses that may adversely affect the long-term sustainability of the area and remains consistent with the established character and development pattern of Sandbaai.

Good administration

The application promotes good administration by seeking to regularise and formalise a land use arrangement through the appropriate statutory planning processes. The proposal has been assessed against the applicable provisions of the Overstrand Municipality Land Use Scheme, 2020, as well as the relevant spatial planning policies of the municipality.



The removal of outdated restrictive title deed conditions will eliminate unnecessary duplication between historic restrictions and the contemporary land use management system. The proposal will therefore contribute to a more coherent and efficient regulatory framework while ensuring that future development remains subject to the municipality's established planning controls.

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 by enabling the more efficient utilisation of an existing residential property within the urban area of Sandbaai. The subdivision will create two independently transferable residential properties, thereby providing greater flexibility in land ownership and potentially increasing housing opportunities within an established neighbourhood. The proposal does not introduce a new land use and is therefore not expected to result in any adverse socio-economic impacts on the surrounding area. On the contrary, the subdivision represents an appropriate use of urban land that aligns with contemporary planning objectives promoting efficient land utilisation.
Compatibility with surrounding uses	The subject property is situated within an established residential area characterised predominantly by single residential properties. The proposed subdivision will not introduce any land use that is inconsistent with the surrounding area, as both resultant portions will continue to be utilised for residential purposes. The scale and nature of the proposal are compatible with the existing character of Sandbaai and will not adversely affect the amenity of neighbouring properties. The application therefore maintains and reinforces the existing residential character of the area.
Impact on the external engineering services	The property is already connected to the full range of municipal engineering services, including water, sewerage, electricity and stormwater infrastructure. The proposed subdivision will not place a significant additional burden on these services, as the property is already developed with two dwelling units. The proposal represents the formal subdivision of an existing residential property and is therefore not expected to generate service demands beyond those typically associated with residential development within the area. Any service-related requirements arising from the subdivision can be addressed through the normal municipal approval processes.
Impact on safety, health and wellbeing of the surrounding community	The proposal is not expected to have any negative impact on the safety, health or wellbeing of the surrounding community. The subdivision does not introduce activities that generate noise, pollution, traffic congestion or other nuisance factors that may adversely affect neighbouring properties.



MOTIVATION

	Both resultant portions will continue to be utilised for residential purposes and will remain subject to all applicable municipal by-laws and development controls. The proposal therefore preserves the existing residential amenity and quality of life enjoyed by surrounding residents.
Impact on heritage	The subject property is not located within the Overstrand Municipality Heritage Protection Overlay Zone and no known heritage resources are affected by the proposal. The application relates to the subdivision of an existing residential property and does not involve development that is likely to negatively impact heritage resources or the cultural landscape of the area. The proposal is therefore not expected to have any adverse heritage impacts.
Impact on the biophysical environment	The subject property is located within an established urban area and is already developed for residential purposes. The proposal does not require the expansion of the urban footprint and will not result in the loss of significant natural habitat or environmentally sensitive areas. Furthermore, the property is not located within the Overstrand Municipality Environmental Management Overlay Zone. The proposal is therefore not expected to have any significant adverse impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	The proposal is not expected to generate significant additional traffic volumes, as both resultant portions will continue to be utilised for single residential purposes. Residential traffic associated with the development will remain consistent with the character and functioning of the surrounding road network. Access to Portion A will remain directly from the public road, while access to the proposed remainder will be provided via the newly created panhandle driveway. The proposed layout ensures safe and convenient vehicular access to both properties. Adequate space is available on both resultant portions to accommodate on-site parking in accordance with municipal requirements. The proposal is therefore not expected to have any adverse impact on traffic operations, road safety or the transportation network serving the area.

Impact on views, sunlight and character of the area

The proposed subdivision is not expected to result in any significant negative impact on views, sunlight or the overall character of the area. The proposal relates to the subdivision of an existing residential property that is already developed with two dwellings and does not introduce any additional development rights beyond those permitted by the applicable planning framework.

The existing dwellings will remain subject to the development parameters contained in the OMLUS, including building lines, coverage and height restrictions. The proposal will therefore not result in any undue overshadowing, loss of sunlight or visual intrusion affecting adjoining properties.

Furthermore, the character of the area will remain unchanged, as both resultant portions will continue to be utilised for single residential purposes. The subdivision is compatible with the established residential character of Sandbaai and will not introduce land uses, building forms or development intensities that are inconsistent with the surrounding neighbourhood.

Any impact on views is expected to be negligible, as the proposal primarily formalises the subdivision of an existing residential property and does not entail development of a scale or nature that would materially affect surrounding properties. The proposal is therefore not considered to give rise to any significant visual or amenity-related impacts.

6. CONCLUSION

The proposed subdivision of Erf 249, Sandbaai, together with the removal of the relevant restrictive title deed conditions and associated permanent departures, represents a logical and appropriate form of development within an established residential area. The proposal responds to the existing development pattern on the property by creating two functional residential erven, each capable of supporting residential use in a manner that is compatible with the surrounding neighbourhood.

The application does not introduce a new land use or a development intensity that is out of character with the area. Both resultant portions will continue to be utilised for single residential purposes and will remain subject to the provisions and development parameters of the Overstrand Municipality Land Use Scheme, 2020. The proposal therefore maintains the residential amenity, character and functionality of the surrounding area.

The assessment contained in this report demonstrates that the proposal is consistent with the applicable spatial planning policies of the Overstrand Municipality, including the Spatial Development Framework and Growth Management Strategy. Furthermore, the application promotes the principles of spatial sustainability, efficiency, resilience and good administration as contained in Chapter 2 of SPLUMA.

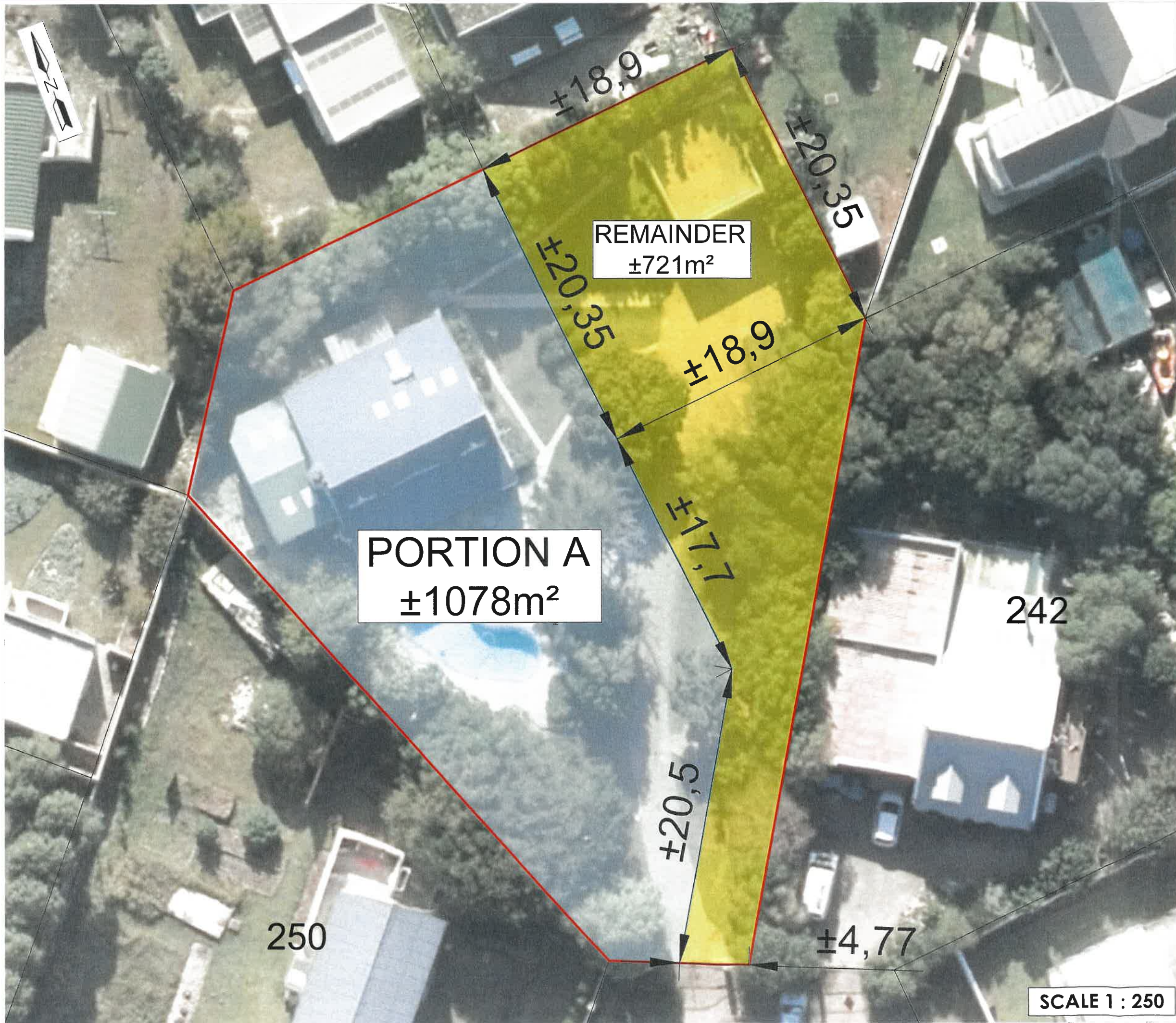
The removal of the restrictive title deed conditions is considered reasonable and desirable, as the original objectives of these conditions are now adequately addressed through the contemporary land use management framework. Their continued enforcement would result in unnecessary duplication and would unreasonably restrict the utilisation of the property in a manner that is otherwise supported by current planning policy and legislation.

Having regard to the planning merits of the proposal, its compatibility with the surrounding area, the absence of significant adverse impacts and its alignment with the applicable policy and legislative framework, it is submitted that the application is desirable and should be approved.

7. RECOMMENDATION

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

- 7.1 Removal of restrictive title deed** in terms of Section 16(2)(f) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020; and
- 7.2 Subdivision** of Erf 249 Sandbaai into Portion A, ±1078 m² and the Remainder, ±721 m² in terms of Section 16(2)(d) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020.



Plan 3: Subdivision Plan
Erf 249 - Sandbaai

Proposed Subdivision

Erf 249 - Sandbaai
1799m²

Remainder of
Erf 249 - Sandbaai
±721m²

Portion A
±1078m²

Plan prepared by: Thian Jansen on 02/06/2026

Plan Number - 25/39 (001)

All distances are approximate
and subject to a survey

Tel: 028 313 1411

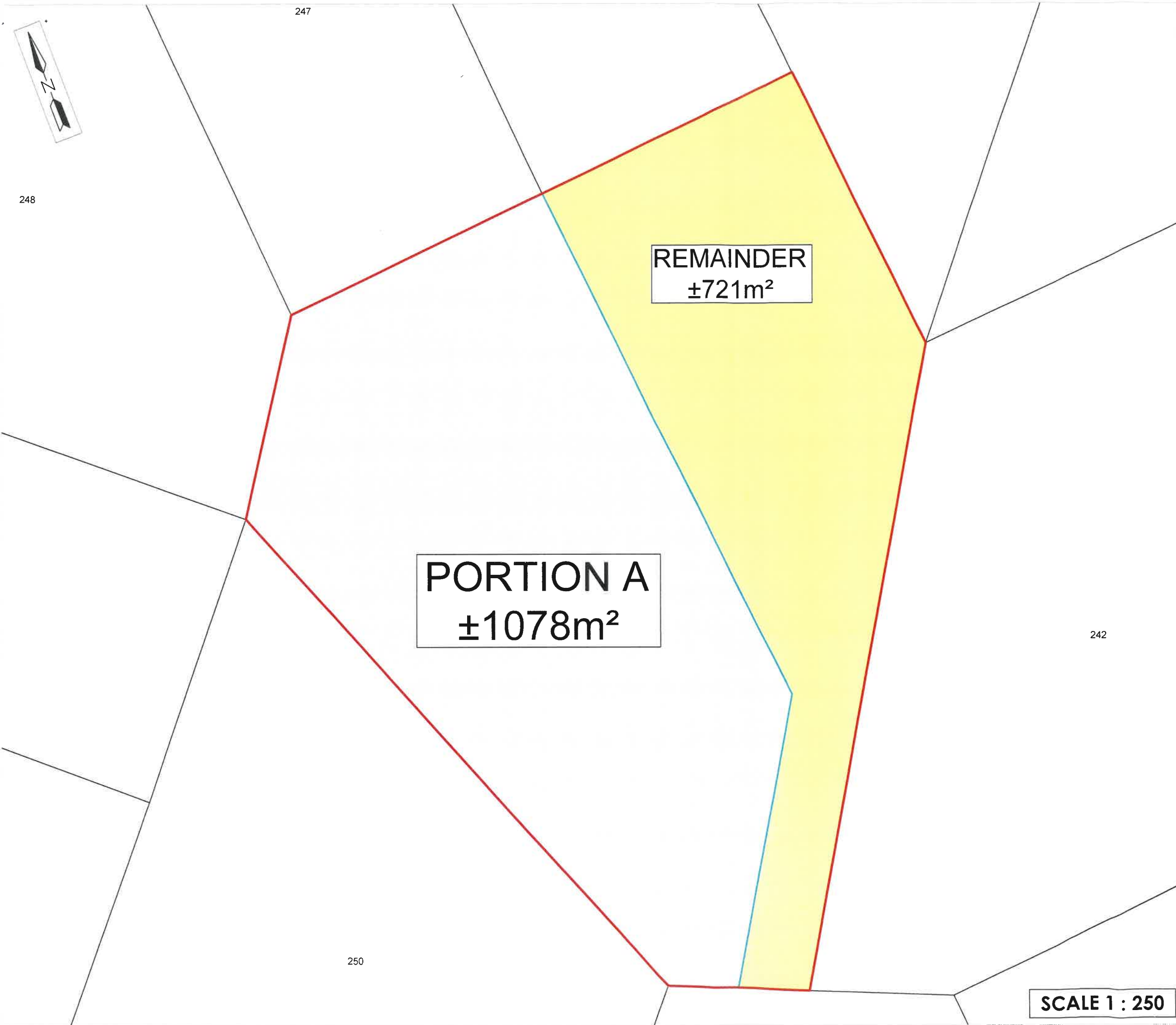
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Project Office
Town Planning & Project Management

SCALE 1 : 250



Plan 3: Subdivision Plan
Erf 249 - Sandbaai

Proposed Subdivision

Erf 249 - Sandbaai
1799m²

Remainder of
Erf 249 - Sandbaai
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Portion A
±1078m²

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