



## **ERF 1735 SANDBAAI**

### APPLICATION FOR REZONING AND DEPARTURE

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### 1. ABBREVIATIONS

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<b>OM</b>	Overstrand Municipality
<b>OMLUS</b>	Overstrand Municipality Land Use Scheme, 2020
<b>BY-LAW</b>	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
<b>PSDF</b>	Western Cape Provincial Spatial Development Framework, 2014
<b>OMSDF</b>	Overstrand Municipality Spatial Development Framework, 2020
<b>DU</b>	Dwelling Unit
<b>Du/Ha</b>	Dwelling Units per hectare

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### 2. PROPERTY DETAILS

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<b>Property Information</b>	Erf 1735, Sandbaai
<b>Extent</b>	1,8Ha / 18 000m <sup>2</sup>
<b>Current zoning</b>	Residential Zone 1: Single Residential
<b>Owners</b>	Terra Nuova Developments CC  (Refer <b>Annexure A</b> for the <b>Closed Corporation Resolution</b> and <b>Power of Attorney</b> ).

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### 3. BACKGROUND AND INTENT

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Erf 1735 Sandbaai, situated opposite the Whale Coast Mall in Bergsig Street, presents an excellent opportunity for a higher-density residential development in the growing suburb of Sandbaai. Located within the Greater Hermanus area, Sandbaai is a relatively new neighbourhood situated just a short distance from Hermanus Central and to the east of Onrus. It is also easily accessible from Cape Town, with a drive of just over an hour to the entrance of Sandbaai and the Hemel-en-Aarde Valley.

Terra Nuova Developments CC acquired Erf 1735 Sandbaai with the intention of developing it to address the high demand for residential units in the surrounding area.

#### Amended Application and Proposal

Following the initial application, comments received from the municipality and surrounding community were carefully considered. A revised proposal was subsequently compiled to ensure that the development integrates more appropriately with the existing urban fabric than the original concept. The amended proposal reduces the overall massing of the development by introducing smaller townhouse units along the property boundaries and decreasing the number of apartment blocks.



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## Residential housing market

The relocation of people to coastal areas presents a significant advantage for the municipality, as it drives the development of improved infrastructure and amenities. However, the Overstrand Municipality is currently under increasing pressure to provide adequate housing options in response to ongoing population growth.

Sandbaai has experienced steady population growth in recent years, primarily due to its central location and affordable housing. The suburb offers a peaceful and laid-back coastal lifestyle, which is a key attraction for families seeking to escape the congestion of urban centres.

In addition, Sandbaai's proximity to quality medical facilities and schools in Hermanus, along with excellent retail offerings, further enhances its appeal. Convenient access to airports also ensures that residents benefit from strong transportation links to other parts of South Africa.

Criteria typically considered by individuals relocating:

- Affordable and secure estate living, with effective access control to match or exceed their previous accommodation standards;
- Preferably new and modern residential units;
- Access to high-speed internet, such as fibre or satellite connections; and
- Communal recreational facilities.

It has also been observed that many individuals are choosing to retire or semi-retire at a younger age, giving rise to the trend of "multi-generational living." This refers to developments accommodating people at various life stages, ranging from young families to semi-retired and retired individuals, within the same residential community.

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## 4. PROCESS AND PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT

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### 4.1 PROJECT SUMMARY

Erf 1735, Sandbaai (hereafter referred to as the subject property) has an extent of 1,8Ha / 18 000m<sup>2</sup> (Refer **Plan 1 – Locality Plan**) and is currently zoned as Residential Zone 1: Single Residential. The subject property has been identified in the Growth Management Strategy as a suitable densification development area.

This proposed development will consist of the following:

- 83 Flats;
- 51 Town Houses;
- Common areas (Open Spaces); and
- Common areas (Private Roads with parking areas).

**Refer to Section 4.2.7 for definitions of common area.**

The previous application proposed the subdivision of the property into two portions. The amended proposal, however, retains the entire property as a single entity, with the intention to demolish all existing structures to accommodate the proposed development.



The rezoning of the subject property will introduce additional residential opportunities into the Sandbaai housing market. The proposed zoning and development morphology are, however, consistent with broader development trends observed across other areas of the Overstrand Municipality.

### 4.2 LAND DEVELOPMENT APPROVAL REQUIRED

Approval of the following is required for the implementation of this development:

- **Rezoning** of Erf 1735, Sandbaai from Residential Zone 1: Single Residential to General Residential Zone 3: Flats (GR4) in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (**Plan 4: Proposed Zoning Plan**).

As previously mentioned, the original proposal sought to utilise only a portion of the property for development. In contrast, the revised proposal intends to develop the entire property. It should be noted that, if the proposal is approved, a separate application will be submitted for the demolition of all existing structures on the property.

The property owners have carefully considered the design of the development to minimise any potential impact on the views and character of the surrounding area. For example, the proposed flats will be located towards the interior of the site, while single-family townhouse units will be positioned along the side boundaries.

Furthermore, the proposal limits the building height along the boundaries to two storeys, with three-storey buildings permitted only in the centre of the site, away from adjoining properties. This design approach is intended to reduce the visual impact of the development on neighbouring properties. In addition, all proposed buildings will comply with the side building line requirements applicable to the intended zoning, thereby ensuring compatibility with the surrounding built environment.

The amended proposal not only seeks to reduce building heights to two storeys near the boundaries, rather than the maximum three storeys permitted by the Overstrand Municipality Land Use Scheme (OMLUS) but also aims to lower the residential density along the perimeter of the property. These measures have been introduced to minimise potential impacts on adjacent properties and demonstrate the property owners' sensitivity to the surrounding context.

This design approach is intended to mitigate concerns such as loss of sunlight and overdevelopment near neighbouring erven. As such, the proposed development will comply with the provisions of the OMLUS and is not expected to have a detrimental impact on the surrounding area.

#### 4.2.1 Population growth in Sandbaai and Hermanus

The Overstrand Municipal Spatial Development Framework (OMSDF) includes population growth projections for the municipality's main areas. According to the OMSDF, Sandbaai experienced an average annual population growth rate of 7.0% between 2001 and 2011, increasing the population by 1,639 residents, from 2 463 to 4 102. The OMSDF further indicates that the Greater Hermanus area, which includes Sandbaai, requires the development of



several thousand new dwelling units to accommodate projected population growth (OMSDF, p.28).

Table 1: Housing Need and estimated land area required (15du/ha)		
Year	Greater Hermanus Area	
	Total dwelling units (du) required	Estimated land area required (ha)
2011	3 892	256
2016	5 360	357
2021	7 127	475
2026	9 106	607
2031	11 234	749

Based on information obtained within the OMSDF (OMSDF, p28)

Table 2: Housing Need and estimated land area required (20du/ha)		
Year	Greater Hermanus Area	
	Total dwelling units (du) required	Estimated land area required (ha)
2011	3 892	195
2016	5 360	268
2021	7 127	356
2026	9 106	455
2031	11 234	562

Based on information obtained within the OMSDF (OMSDF, p28)

These tables provide clear insights into the scale of housing demand in the Greater Hermanus area and the associated land requirements. Importantly, the proposed development will be situated within the existing urban edge of Hermanus. No additional land was incorporated into the urban edge during the review of the 2020 OMSDF, which underscores the importance of optimising available land within established urban areas such as Sandbaai.

The development proposal for Erf 1735 Sandbaai seeks to make efficient use of land by delivering 134 residential units at a density of approximately 74.44 dwelling units per hectare (du/ha). This figure has been reduced from the previous proposal of 148 units at over 90 du/ha. The motivation for maintaining a higher density is to address the pressing demand for housing in the Hermanus and Sandbaai area while limiting the need for further land expansion. This approach supports the principles of sustainable development by maximising land use efficiency within the existing urban footprint.

Reduction of Density

The reduction of density was a decision informed by feedback from the municipality and members of the public, as well as a careful reassessment of the site's relationship with the surrounding built environment. Lowering the number of units helps to soften the overall impact of the development, reduce the bulk and scale of buildings along sensitive boundaries, and improve compatibility with adjacent residential properties. The revised density also allows for more meaningful landscaping, increased open space within the development, and better opportunities for light and ventilation between buildings.

In this way, the proposal seeks to find a middle ground between the need for higher-density residential development and the importance of preserving the character and amenities of

the existing urban area. The proposed layout and design demonstrate sensitivity to neighbouring properties while still supporting the overarching spatial development goals of the Overstrand Municipality. Ultimately, the amended proposal contributes to a more sustainable and integrated urban form, delivering much-needed housing without compromising the liveability or identity of the Sandbaai area.

#### 4.2.2 Design and Layout

The development proposal for the subject property, as illustrated in **Plan 5** of the Site Development Plan (SDP), adopts an adapted and context-sensitive layout. Careful consideration has been given to ensuring that both the design and layout integrate seamlessly into the surrounding residential fabric of Sandbaai.

The proposal is to have access to the development being obtained from End Street and egress being obtained from Bergsig Street. There is also a pedestrian access and egress proposed on Bergsig Street, which will allow the residents quick access to the mall.

##### Flats

Three apartment blocks are positioned in the central portion of the site to minimise their visual impact from adjacent properties. These blocks are arranged in a U-shape to optimise natural light penetration and internal open space. Refer to **Plan 5**, the SDP and **Annexure C** for the Architect's drawings and 3D renders. Each apartment block will be fitted with a lift and connected by covered walkways, ensuring accessible and convenient circulation throughout the development. The design of the flat blocks has been carefully considered to reduce the perceived bulk of the buildings and maintain compatibility with the surrounding built environment.

Two of the apartment blocks will incorporate ground-level parking below the first floor, which allows the development to meet parking requirements while making efficient use of the site. The third block has been designed with parking positioned separately from the building to allow for the introduction of ground-floor garden units. These units not only enhance the residential character of the development but also offer future homeowners a greater variety of housing options, catering to different lifestyle needs.

This approach ensures that the development is both functionally efficient and visually compatible with its surroundings. It contributes positively to the aesthetic and spatial quality of the neighbourhood, while also promoting liveability, accessibility, and choice within the local housing market.



Figure 1: Internal Street Scene and 3D render of the proposed flats

Townhouses and Flats

The proposed layout includes three townhouse components, each grouped together in a single structure along the side boundaries of the property, thereby creating a softer interface with neighbouring single-family dwellings.

Each townhouse will be provided with two dedicated parking bays, one of which will be a secure, lockable garage. The townhouses will be designed in a cohesive architectural style, with visual breaks along the boundary to avoid a continuous built edge and to maintain a sense of openness. The townhouses will offer a mix of, two-, and three-bedroom units, catering to a wide range of household sizes and lifestyle needs.

The overall design of the residential units is modern and functional, incorporating open-plan living areas and maximising natural light through appropriate orientation and window placement. Sufficient on-site parking will be provided, consisting of a combination of covered and open bays for both residents and visitors. The parking areas have been carefully positioned to reduce their visual impact and preserve the aesthetic appeal of the development as a whole.



Figure 2: Internal Street Scene and 3D render of the proposed townhouses

Table 3: Development proposal		
TOWNHOUSE		
Block Type	Type of Units	Number of units
Townhouses (Duplex)	2 Bedroom units (80m <sup>2</sup> )	9
	3 Bedroom units (95m <sup>2</sup> )	18
Total number of duplexes		27

FLATS		
Block Type	Type of Units	Number of units
Flats (Simplex next to Bergsig Street)	1 Bedroom units (40m <sup>2</sup> )	12
	1 Bedroom units (44m <sup>2</sup> )	12
Total number of Units (Simplex)		24
Block Type	Type of Units per block	Number of units
Block A	1 Bedroom units	15
	2 Bedroom units	18



Total Units in Block A		33
Block Type	Type of Units per block	Number of units
Block B	1 Bedroom units	11
	2 Bedroom units	14
Total Units in Block B		25
Block Type	Type of Units per block	Number of units
Block C	1 Bedroom units	11
	2 Bedroom units	14
Total Units in Block C		25

<b>Flats</b>	1 Bedrooms units	24
	1 Bedroom units	37
	2 Bedroom units	46
<b>Townhouses</b>	2 Bedroom units	9
	3 Bedroom units	18
<b>Total Units</b>		<b>134</b>

The proposed development seeks to enhance the property through the introduction of a diverse range of unit types, as previously described. The townhouses and flats will be limited to two storeys, with a maximum height of 8m. All these units are strategically positioned along the side boundaries of the property to create a transition in scale between the proposed development and neighbouring single-family dwellings.

The higher-density flat blocks are positioned centrally within the site, set back approximately 28m from the nearest property boundaries. This layout was deliberately chosen to reduce the visual impact of the larger buildings on surrounding properties and to ensure that the massing of the development is more respectful of its residential context.

This stepped approach to building height, transitioning from three-storey flat blocks in the centre of the site to two-storey townhouses along the edges, ensures a gradual and harmonious integration with the existing built environment. By concentrating height and density away from the boundaries, the proposal effectively mitigates bulk and scale concerns, thereby promoting a more balanced urban form.

To illustrate the architectural vision of the development, Annexure C includes the building elevations, which showcase the design language, proportions, and aesthetic detailing of the proposed structures. These elevations reflect the careful design considerations made to ensure the development complements its surroundings. While the proposed buildings maintain a unified architectural character, they also acknowledge the diverse architectural styles present in the surrounding area. It is important to note that there are no existing architectural guidelines that govern development in this neighbourhood, and the surrounding properties exhibit a range of styles. As such, the proposed development seeks to contribute positively to this architectural diversity while maintaining a coherent identity.

The amended proposal aims to reduce the overall bulk of the development while still providing much-needed residential accommodation. The proposed layout creates a cohesive and visually appealing urban environment, where building heights are modulated



to respond to their immediate context. The central flat blocks, limited to three storeys, are set back significantly, while the townhouses and flats (simplex) units are situated along the lateral and northern street boundaries respectively at 4.5m and 4m, in full compliance with the applicable building line requirements as prescribed by the OMLUS.

Furthermore, the property owners have confirmed their commitment to adhering to the building line along the boundaries, reinforcing their intention to limit the impact of the development on adjacent properties, with the exception of the Southern Street building line to accommodate the refuse room. This, combined with the tiered layout of the proposed buildings, ensures that the visual and spatial impact on neighbouring properties is minimised.

Overall, the objective of the amended application is to establish a well-integrated, high-quality residential development that contributes positively to the surrounding landscape. The proposed architecture and site layout aim to strike a careful balance between increased residential density and sensitivity to the existing urban character. The attention to detail in the elevations and the step-down design approach reflect a clear commitment to creating a development that is not only functional but also contextually appropriate and visually pleasing.

### Affordability

A key objective of the proposed development is to respond to the increasing demand for more affordable, well-located housing within the Greater Hermanus area, close to paces of work. As housing pressure continues to grow due to population influx there is a clear need for residential opportunities that are both financially accessible and suitable for a range of household types.

The proposed development offers a mix of one-, two-, and three-bedroom units, including both flats and townhouses, which allows for a variety of price points and tenure options. This mix has been carefully considered to ensure that the development is accessible to a broad spectrum of income groups, including:

- Young professionals and first-time homebuyers seeking secure, fibre-connected accommodation in close proximity to economic opportunities;
- Retirees and semi-retired individuals wishing to downscale to low-maintenance homes within an established, amenity-rich coastal town;
- Small to medium-sized families who require proximity to schools, shops, medical services, and recreational areas, but who are priced out of the freestanding housing market;
- Buy-to-let investors targeting long-term rental income or short-stay rentals, capitalising on Sandbaai's growing appeal and location.

By integrating compact, energy-efficient, and secure homes with shared infrastructure and centralised services (such as solar-assisted hot water systems and gas reticulation), operational costs for residents will be significantly reduced. This ensures long-term affordability not just in terms of the purchase price, but also in ongoing monthly costs such as utilities and levies.



The proposal is thus in direct response to the Municipality's strategic goal of increasing access to housing opportunities within the existing urban footprint, particularly where infrastructure is already in place and where densities can be responsibly increased.

### **4.2.3 Development Features**

The proposed development incorporates several key features aimed at enhancing the quality of life, convenience, and wellbeing of future residents. These features have been carefully integrated into the design to reflect contemporary lifestyle expectations while promoting sustainability and community interaction.

One of the notable sustainability features is an existing borehole on-site, which will be used for irrigating common areas. This water-wise solution supports environmentally responsible landscaping practices by reducing reliance on municipal water supply and encouraging efficient water use. In doing so, the development promotes long-term sustainability and contributes positively to broader environmental goals.

In addition to the focus on resource conservation, the development also prioritises resident wellbeing through the inclusion of several outdoor spaces. These amenities provide an accessible and inviting space for physical activity, encouraging residents to maintain a healthy and active lifestyle. Moreover, it fosters a sense of community by offering a shared space where neighbours can interact and engage socially.

To further enhance modern living, all residential units within the development will be fibre ready. This ensures that residents have access to high-speed internet, enabling seamless connectivity for work, communication, entertainment, and access to online services. The inclusion of fibre-optic infrastructure not only meets current digital demands but also future-proofs the development, ensuring that it remains aligned with evolving technological advancements and resident expectations.

Collectively, these features contribute to a well-rounded, future-focused residential environment that is both functional and appealing, supporting a high standard of living within a sustainable and connected community.

### **4.2.4 Green Solutions**

The developer of the proposed residential estate is committed to promoting long-term environmental sustainability and minimising the development's ecological footprint through the implementation of a range of green infrastructure solutions. Central to this commitment is the integration of innovative water and energy systems that will contribute meaningfully to both environmental performance and resident wellbeing.

One of the key sustainability initiatives is the introduction of an efficient hot water systems. These systems are designed to heat water through sustainable ways such as solar power, thereby significantly reducing overall energy consumption.

In addition to the hot water systems, the estate will provide piped gas to every unit for use with appliances such as stoves. This reliable and efficient energy source will further reduce the estate's reliance on electricity and help to mitigate the impact of increased energy demand on the local grid.



To ensure resilience during periods of load shedding or unexpected electricity outages, backup power systems will also be installed. These systems will guarantee a continuous power supply to essential services, ensuring that residents experience minimal disruption to their daily lives. This feature also enhances the estate's attractiveness by offering a level of convenience and reliability that aligns with modern residential expectations.

Overall, the estate's sustainable design approach reflects a broader vision of environmental responsibility. By prioritising renewable and alternative energy sources, reducing unnecessary consumption, and incorporating efficient infrastructure, the proposed development sets a strong example of how contemporary residential projects can contribute to a greener and more sustainable future. These features not only benefit the natural environment but also enhance the overall quality of life, comfort, and affordability for the estate's future residents.

### 4.2.5 Lock-up-and-go

The proposed development offers modern lock-up-and-go units, specifically designed with convenience, low maintenance, and security in mind. These units are ideal for residents with active lifestyles or those who travel frequently, providing them with the freedom to leave their homes for extended periods without concern for safety or upkeep.

To ensure maximum security, the estate will feature a comprehensive security strategy. This includes electric perimeter fencing that serves as a strong physical and visual deterrent to potential intruders. In addition, the development will be equipped with high-resolution optical surveillance cameras strategically positioned to provide 24/7 monitoring of the entire property. These surveillance systems will be supported by an integrated access control system, ensuring that only authorised residents and personnel can enter the estate. Together, these measures create a secure living environment that prioritises residents' peace of mind.

The lock-up-and-go concept not only enhances security but also contributes to the overall convenience of the development. The units are designed for minimal upkeep, allowing residents to simply lock their doors and leave without the burden of ongoing maintenance concerns. This feature is particularly attractive to seasonal residents, frequent travellers, and professionals seeking a secure, low-maintenance lifestyle.

In essence, the lock-up-and-go offering within the estate provides residents with a worry-free living experience, combining state-of-the-art security infrastructure with the flexibility of a low-maintenance home. By supporting a lifestyle of mobility and ease, the estate meets the needs of a growing segment of the residential market looking for safe, convenient, and modern living environments.

### 4.2.6 Open Space Provision

The OMLUS sets out specific requirements for communal open space in higher-density residential development. In terms of the OMLUS, the following applies:

- “ i. Every block of flats, residential building or hotel in this zone must have access to an outdoor living area and will provide communal open space but excludes parking, service yards and roads.*
- ii. Communal open space of at least 10% of the whole property must be provided as outdoor recreational/garden areas as one functional space.”*



In an effort to exceed these minimum requirements and to create a high-quality, liveable environment, the proposed development incorporates approximately 2,069m<sup>2</sup> of functional open space. This represents 11.49% of the total developable area, exceeding the minimum 10% provision required by the OMLUS.

The inclusion of this generous open space allocation offers a wide range of benefits to both the future residents and the broader surrounding community. Firstly, it provides ample room for outdoor recreational activities and communal amenities, thereby supporting an active, healthy, and socially connected lifestyle. The open space has been designed as a cohesive, functional area that may include features such as walking paths, landscaped gardens, children's play zones, braai facilities, and informal gathering areas. These shared spaces encourage interaction among residents and help build a sense of community within the development.

In addition to the functional benefits, the open space also contributes significantly to the aesthetic value and overall spatial quality of the development. By maintaining a balance between built form and open areas, the layout achieves a sense of openness that helps to mitigate any perception of overdevelopment or density. The green spaces serve as visual relief and soften the urban environment, promoting a calm and attractive setting for residents.

From a broader sustainability perspective, the integration of well-considered open space aligns with contemporary urban design principles that prioritise liveability, wellness, and environmental stewardship. The proposed layout reflects a conscious decision to go beyond compliance, demonstrating a commitment to creating a development that is not only functional and efficient, but also socially and environmentally responsive.

By allocating a significant and well-designed portion of the property to communal open space, the proposed development sets a high standard for residential living and positively contributes to the character and identity of the area. The benefits of this approach will extend beyond the development itself, enhancing the surrounding urban fabric and fostering a sense of pride among residents and neighbours alike.

### **4.2.7 Sectional Title Scheme**

Following the approval of the land use application, construction of the development will commence. Once the buildings have reached a suitable stage, specifically when they can be surveyed in accordance with the Sectional Titles Act (STA), a Sectional Plan will be submitted to the Surveyor-General for approval. Thereafter, the sectional title scheme will be registered at the Deeds Registry Office.

The development will be owned and managed in terms of the Sectional Titles Act, and as such, specific terminology associated with sectional title schemes becomes applicable to the proposed development.

### **Section**

Under the Sectional Titles Act, a "section" refers to a part of a building that has clearly defined three-dimensional boundaries (i.e. it has a floor, walls, and a roof). While legal and technical definitions may be complex, in practical terms, a section is a defined space that can be



individually owned. It can be a residential flat, a garage, a storeroom, an office, or even a delineated parking bay—so long as its boundaries are precisely recorded.

The boundaries of a section typically extend to the midpoint of the walls, floor, and ceiling that separate one section from another or from the common property.

With reference to the proposed development, each residential units, garage and parking bay will constitute a “section” as defined in the Act.

**Common Property**

Common property refers to all parts of the property that are not demarcated as individual sections on the approved Sectional Plan. Ownership of common property is shared among all sectional title owners, in proportion to their participation quota (typically based on the size of the section owned).

Examples of common property include:

- Roads and internal driveways
- Walkways, passages, and staircases
- Lifts
- Garden and recreational areas
- Gatehouse and refuse rooms
- All land upon which the buildings are situated

In the context of this development, the common property will comprise the shared open spaces, roads, circulation routes, lift systems, gatehouse, refuse area, and other shared infrastructure or amenities, as determined in the registered Sectional Plan.

**Exclusive Use Areas**

Exclusive Use Areas (EUAs) are portions of the common property that are designated for the exclusive use of a specific unit owner. While legally still part of the common property, these areas are reserved for the use and enjoyment of one owner only and are either allocated through a rule in the sectional title scheme or formally registered.

Typical examples include:

- Private garden areas
- Carports or allocated parking bays
- Balconies
- Store rooms

In this development, possible Exclusive Use Areas could include gardens for ground-floor units, carports, covered parking bays, and balconies.

**Body Corporate**

Once the sectional title scheme is registered, a Body Corporate will be established in accordance with the Sectional Titles Act. The Body Corporate is comprised of all owners of sections within the development and is responsible for:



- 
- The management and maintenance of common property
  - Financial administration (e.g. levies, budgeting, and reserve funds)
  - Implementation of scheme rules
  - Ensuring compliance with the STA and any rules adopted by the Body Corporate

Any purchaser of a unit (section) will automatically become a member of the Body Corporate and will hold an undivided share in the common property. The extent of each owner's share is determined according to the participation quota as calculated under the Act.

This form of property ownership ensures collective responsibility for the management and upkeep of the shared spaces, without requiring the creation of individual land units. All common areas will be subject to the rules and management processes established by the Body Corporate, as per the provisions of the Sectional Titles Act.

### **House Rules**

It is important to emphasise that all owners and tenants within the proposed development will be bound by the constitution and house rules of the Body Corporate, which will be established in terms of the Sectional Titles Act. These mechanisms will ensure proper and ongoing management of the development.

Effective management is in the best interest of all residents. Poor maintenance or rule enforcement would not only affect the surrounding area but also negatively impact the value and appeal of the development itself, thereby diminishing property values and investment returns for individual owners. As such, it is anticipated that the Body Corporate will act in a proactive and diligent manner to preserve the quality, order, and aesthetic standards of the scheme.

The conduct rules will include several measures such as the following:

#### Noise

- An owner, occupier and/or tenant must be cognisant of the close proximity of the sections to one another and must not allow any persistent and unreasonable noise levels to disturb other owners, occupiers and/or tenants.
- An owner, occupier and/or tenant must not create noise likely to interfere with the peaceful enjoyment of another section or another person's peaceful enjoyment of the common property.
- Excessive noise must be avoided from 22:00 to 08:00 Sunday to Thursday, and between 23:00 to 08:00 on Friday and Saturday.
- Owners, occupiers and/or tenants must take every effort that they and/or their visitors arriving or departing to do so with little disturbance to other owners, occupiers and/or tenants.
- Radios, musical instruments, CD players, record players, television sets, Bluetooth speakers etc., must be used in such a manner so as not to be heard in adjoining units or on the common property.
- Power tools and other noise-producing equipment if operated outside the times stipulated above must cause minimum nuisance to other owners, occupiers and/or tenants."



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Vehicles

- Any person/s entering the development must obey all signs and road markings containing directions for the use and parking of vehicles on the common property.
- No unlicensed person may drive any vehicle on the common property.
- No hooters may be sounded within the scheme or outside the security gate, other than in an emergency.
- No slamming of vehicle door/s.
- No revving of engines excessively.
- No vehicle radio and/or sound system may be set at a volume audible outside the vehicle."

Laundry

- Every owner, occupier and/or tenant is strictly prohibited from drying clothes on balconies.
- Dedicated drying yards will be provided. These areas will be discreetly screened behind 2.1m high boundary walls to ensure that they are not visible from neighbouring properties or public areas.
- No washing lines will be permitted on common property that is not properly screened.
- Every owner, occupier and/or tenant is strictly prohibited from using their balcony as a storage area. The design will ensure that balconies retain their aesthetic function.

**4.2.8 Departures**

- **Departures** from the 4m Street Building Line (End Street) to 0m, to allow the proposed refuse room in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

In terms of Section 16.1.1(a)(x) of the OMLUS, a refuse room is a general encroachment permitted, and the requirements are the following:

*"(x) a refuse room that has a footprint not exceeding 5 m<sup>2</sup> and, if covered, a roof height not exceeding 3,0 m or as required by the Municipality in terms of 17.4;"*

As 5m<sup>2</sup> refuse room would not be compliant in terms of 17.4.1 of the OMLUS, which requires 0,5m<sup>2</sup> per 100m<sup>2</sup>. The development is proposing a 32m<sup>2</sup> refuse room that will be more than sufficient.

The refuse room will be developed in line with the general requirements set out within Section 17.4 of the OMLUS that are:

- Be of sufficient size to accommodate the refuse generated from the land unit for one week;
- Be designed in a manner that is architecturally compatible with the surrounding structures and screen refuse bins from public view; and
- Comply with any other reasonable conditions the Municipality may impose relating to access, health, pollution control, safety or aesthetics.

The proposal is to have a 32m<sup>2</sup> refuse room located within the street building line next to end street to allow for ease of servicing by the municipality as indicated in Section 17.4.1 (b) is a requirement. Refer to the figure 3:

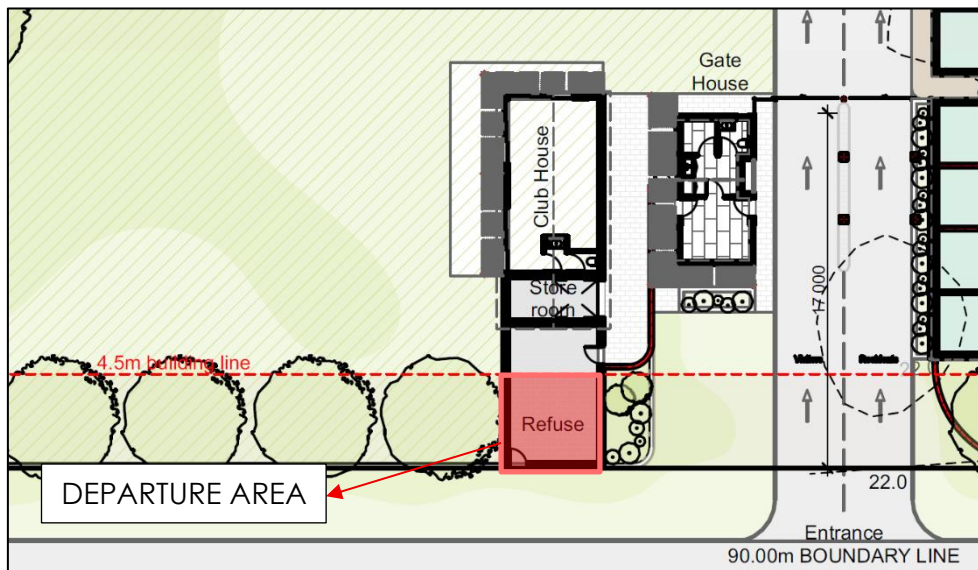


Figure 3: Proposed refuse room

- **Departure from the provisions of the zoning scheme** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

As requested by the OM, a departure from the provisions of the zoning scheme is required to accommodate the proposed development. The intended zoning, General Residential Zone 3: Flats (GR4), permits flats, town houses in terms of Section 6.3.2, and residential buildings as primary uses of the OMLUS. The proposed development includes a combination of flats and townhouses. The townhouses, as proposed, have been designed to comply with the development parameters set out in Section 6.3.2, in accordance with the OM's request.

However, the development parameters typically applicable to General Residential Zone 3: Flats (GR4) are outlined in Section 6.4.2 of the OMLUS. A contradiction arises in the application of Sections 6.3.2 and 6.4.2, specifically regarding whether the development parameters for townhouses in GR4 should align with those set out under GR2 (Section 6.3.2) or GR4 (Section 6.4.2).

To address this apparent inconsistency, the comparative tables below are used to assess the applicable development parameters and determine which provisions are most appropriate for the proposed layout.

It is important to note that Section 6.3.2 of the OMLUS outlines the development parameters for General Residential Zone 2: Town Housing (GR2), while Section 6.4.2 applies to General Residential Zone 3: Flats (GR4). The overlap in terminology and zoning provisions has necessitated clarification through the proposed departure.



## MOTIVATION

Development Parameter	Section 6.3.2 of the OMLUS	Applicable / Not Applicable
a) Density	<ul style="list-style-type: none"> <li>- The maximum gross density in this zone is 50 units a hectare.</li> <li>- A minimum erf size of 3000 m<sup>2</sup> is applicable for densification.</li> </ul>	Applicable
b) Coverage	The maximum coverage for all buildings on the land unit is 65%.	Not Applicable
c) Height	The maximum height of a building (other than flats), measured from the base level to the top of the structure, is 8,0 m, provided that the maximum height for flats, measured from the base level to the top of the structure, is 9,0 m.	<p>The town houses proposed will adhere to these heights.</p> <p>Flats being proposed is aligned with the development parameters of Section 6.3.2(c) and Section 6.4.2(c), refer to table below and Section 8.</p>
d) Building lines on the perimeter of a town housing development	<ul style="list-style-type: none"> <li>(i) The building line on the perimeter of the property is 3,0 m, and</li> <li>(ii) The general building line exemptions of 16.1 apply.</li> </ul>	Building lines of 4,5m is being adhered to.
e) Building lines within the town housing site	<p>The following building lines apply within a town housing site:</p> <ul style="list-style-type: none"> <li>(i) The street building lines on internal roads are 1,0 m, provided that garages must be set back at least 5,0 m from the road kerb;</li> <li>(ii) The lateral and rear building line is 1,0 m;</li> <li>(iii) A garage may be constructed at 0 m on one internal side boundary and 0 m on the internal rear boundary, provided that the building does not occupy more than 50% of such internal side or rear boundary; and</li> <li>(iv) The general building line exemptions of 16.1 apply.</li> </ul>	This is noted and adhered to.
f) Parking	<ul style="list-style-type: none"> <li>(i) Parking and access shall be provided on the land unit in accordance with 17.1; and</li> <li>(ii) Parking may be provided at the group house concerned, or form part of a communal parking or a combination of the two.</li> </ul>	This is noted and adhered to.



## MOTIVATION

g) Internal roads	The minimum internal road reserve width is 8,0 m, provided that the Municipality may require a greater road reserve width where it is of the opinion that the vehicular use or length of the road requires a greater road reserve width.	Not Applicable  No formal road is being created, driving surface as explained in section 4.2.7 above is part of the common property.
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As mentioned, Section 6.4.2 are the development parameters for the zoning General Residential Zone 3: Flats (GR4) that is being applied for.

Development Parameter	Section 6.4.2 of the OMLUS	Applicable / Not Applicable			
a) Density	A minimum erf size of 3000 m <sup>2</sup> is applicable for densification.	Applicable  Refer to Section 8.			
b) Floor factor and coverage	Allowed Floor Factor – 1.5 Allowed Coverage – 80%	Applicable  Refer to Section 8.			
c) Height	The maximum height of a building, measured from the base level to the top of the structure, is determined in accordance with the bulk zone as specified in the table below:  <table border="1" data-bbox="454 1153 742 1265"> <tr> <td>Bulk Zone 2 (GR4)</td> </tr> <tr> <td>9,0 m</td> </tr> <tr> <td>3 Storeys</td> </tr> </table>	Bulk Zone 2 (GR4)	9,0 m	3 Storeys	Applicable  Refer to Section 8.
Bulk Zone 2 (GR4)					
9,0 m					
3 Storeys					
d) Setback	(i) The Municipality may require an 8,0 m setback from the centreline of the abutting street, provided that the Municipality may permit steps to be located within the setback line.  (ii) The general provisions of 16.2 apply.	Applicable  Refer to Section 8.			
e) Building lines	(i) The street building line is 4,0 m. (ii) The side building line is 4,5 m, provided that where a fourth storey is provided, the Municipality may require the fourth storey to be set back 6,0 m from the property boundary. (iii) The rear building line is 3,0 m, provided that where a fourth storey is provided, the Municipality may require the fourth storey to be set back 6,0 m from the property boundary. (iv) The general building line exemptions of 16.1 apply.	Applicable  Refer to Section 8.			
f) Open space	(i) Every block of flats, residential building or hotel in this zone must have access to an	Applicable			



## MOTIVATION

	<p>outdoor living area and will provide communal open space but excludes parking, service yards and roads.</p> <p>(ii) Communal open space of at least 10% of the whole property must be provided as outdoor recreational/garden areas as one functional space.</p>	Refer to Section 8.												
g) Parking	<p>Parking and access shall be provided on the land unit in accordance with 17.1.</p> <table border="1" data-bbox="448 584 1019 768"> <thead> <tr> <th>Units</th> <th>Parking Required</th> <th>Bays</th> </tr> </thead> <tbody> <tr> <td>1-Bedroom Units</td> <td>1.5</td> <td></td> </tr> <tr> <td>2-Bedroom Units</td> <td>2</td> <td></td> </tr> <tr> <td>3-Bedroom Units</td> <td>2</td> <td></td> </tr> </tbody> </table>	Units	Parking Required	Bays	1-Bedroom Units	1.5		2-Bedroom Units	2		3-Bedroom Units	2		<p>Applicable</p> <p>Refer to Section 8.</p>
Units	Parking Required	Bays												
1-Bedroom Units	1.5													
2-Bedroom Units	2													
3-Bedroom Units	2													
h) Screening	Screening must be provided in accordance with 16.7.	Not Applicable												

The development plan for the subject property, aims to optimise the available land by yielding a total of 134 residential units, resulting in a proposed residential density of approximately 74.44 Du/Ha. The primary objective behind this proposal, and the associated request for a departure from the applicable density provision, is to address the housing demand in the Greater Hermanus and Sandbaai area without increasing urban sprawl or requiring the allocation of additional land. This objective is consistent with broader sustainable development principles and municipal policy directives.

In particular, the proposal supports densification within the urban edge, thereby aligning with the Overstrand Municipality's legislative framework and forward planning instruments, including the OMSDF. As referenced in Section 12.3.3 of this report, the proposed density complies with the intent of the OMSDF and related policy documents, which continue to guide development despite not being formally incorporated into the zoning scheme. This property has also been identified for higher-density development and is one of the last remaining properties in Sandbaai where such development remains feasible, refer to the alignment with the Overstrand Municipal Spatial Growth Management Strategy in Section 12.

While the proposed density exceeds the 50 Du/Ha limit prescribed in Section 6.3.2 of the OMLUS, the proposal is otherwise consistent with the regulations applicable to General Residential Zone 3: Flats (GR4) and the broader intent of the spatial framework. Several mitigation measures have been incorporated into the design to limit the impact of increased density on the surrounding area. These include:

- Locating the three-storey buildings centrally within the site and setting them back approximately 28m from the boundaries;
- Providing two-storey townhouse units along the periphery (lateral boundaries) to soften the transition between the development and adjacent properties;
- Adhering to the building lines and development parameters outlined in Section 6.4.2 of the OMLUS, which relate specifically to GR4 zoned properties.



Importantly, the proposed density is not considered atypical or excessive when compared to other developments within Sandbaai. For instance, the De Zandt development, located within the same suburb, includes a range of densities, from 17 to 75 Du/Ha. The highest densities within De Zandt are located on properties similarly zoned: Flats (GR4) and did not require a departure from Section 6.3.2, as their densities were deemed consistent with the broader development framework.

It is also relevant to note that Erf 1735 Sandbaai, like De Zandt, forms part of a larger, established urban area. The proposed development can thus be considered a logical extension of existing residential typologies in Sandbaai, where a mix of lower- and higher-density development coexists harmoniously. The range of densities in De Zandt, from 17 to 75 Du/Ha, demonstrates that such variation is already embedded in the area's spatial character.

In light of the above, the request for a departure from the density provision is necessary to facilitate a development that is both contextually appropriate and compliant with the relevant policies. The proposed layout and form are consistent with recent trends in Sandbaai and reflect a rational response to the limited availability of land for urban expansion. The departure request is not merely a deviation from the scheme parameters but a measured adjustment that enables compact, efficient land use in accordance with the municipality's strategic planning objectives.

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## 5. LAND USE ENVIRONMENT

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Upon a thorough analysis of the locality and zoning plan (**refer to Plan 1 – Locality Plan & Plan 2 – Zoning Plan**), it has been identified that the subject property proposed for development is strategically located in a prime position. The location offers a range of benefits, including its proximity to the main distributor road that leads towards the popular tourist destination of Hermanus.

Additionally, the property is situated adjacent to the Whale Coast Mall, which provides residents with easy access to a top-class shopping experience. This proximity to a major shopping center is a significant advantage for the proposed development, as it offers residents the convenience of having all their daily needs met within a short distance from their home. Moreover, the location of the property is within walking distance of many local amenities, including restaurants, cafes, and recreational facilities, which further adds to its appeal.

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## 6. TITLE DEED

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The title deed (T49782/2022) of the property (refer **Annexure B**) was scrutinized, and upon further examination, it was found that there are no title deed conditions that could potentially hinder the proposed development.

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## 7. ZONING

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The following zoning parameters were assessed in conjunction with GR4 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1)(q) of the OM By-Law:



## MOTIVATION

The **current zoning** of the subject property is Residential Zone 1: Single Residential (SR1) the proposal is that the property be rezoned to General Residential Zone 3: Flats (GR4):

<b>GENERAL RESIDENTIAL ZONE 3: FLATS (GR4)</b>						
	<b>Use of the property</b>	<b>Proposal</b>	<b>Comply/ deviate</b>			
<b>Primary use</b>	<b>Flats and Town House in accordance with 6.3.2</b> and Residential Buildings	Flats and Townhouses	Applied and motivated			
<b>Consent uses which may be applied for</b>	Crèche, Day Care Centre, Home Occupation, Hotel, Institution, Place of Assembly, Place of Instruction, Place of Worship, Retirement Village, Tourist Accommodation and Transmission Apparatus.	N/A	N/A			
<b>Development Parameters</b>						
<b>Density</b>	A minimum erf size of 3000 m <sup>2</sup> is applicable for densification	The property has an extent of 1,8 ha.	Comply			
<b>Floor factor and coverage</b>	Allowed Floor Factor – 1.5 Allowed Coverage – 80%	Proposed Floor Factor – 0,80 Proposed Coverage – 35,5%	Comply			
<b>Height</b>	The maximum height of a building, measured from the base level to the top of the structure, is determined in accordance with the bulk zone as specified in the table to follow: <table border="1" data-bbox="398 954 696 1070"> <tr> <td>Bulk Zone 2 (GR4)</td> </tr> <tr> <td>9,0 m</td> </tr> <tr> <td>3 Storeys</td> </tr> </table>	Bulk Zone 2 (GR4)	9,0 m	3 Storeys	<u>Proposed</u> Two Storey – 8,0m Three Storey – 9,0m  As mentioned above the proposal is to minimize the effect of the 3 storeys on the neighbouring properties by placing them in the middle of the development.	Comply
Bulk Zone 2 (GR4)						
9,0 m						
3 Storeys						
<b>Setback</b>	i. The Municipality may require an 8,0 m setback from the centreline of the abutting street, provided that the Municipality may permit stoeps to be located within the setback line. ii. The general provisions of 16.2 apply.	i. No buildings (except for the guard house and refuse room) is being proposed within the setback being mentioned here. ii. Noted.	Comply			
<b>Building lines</b>	i. The street building line is 4,0 m.	i. Departure Required:	Applied for and motivated			



**MOTIVATION**

	<ul style="list-style-type: none"> <li>ii. The side building line is 4,5 m, provided that where a fourth storey is provided, the Municipality may require the fourth storey to be set back 6,0 m from the property boundary.</li> <li>iii. The rear building line is 3,0 m, provided that where a fourth storey is provided, the Municipality may require the fourth storey to be set back 6,0 m from the property boundary.</li> <li>iv. The general building line exemptions of 16.1 apply.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Departure</b> from the Southern 4m Street Building Line to 0m to allow the proposed refuse room.</li> <li>ii. No fourth storey is being proposed.</li> <li>iii. Comply</li> <li>iv. No general encroachments are being applied for.</li> </ul>													
<b>Open space</b>	<ul style="list-style-type: none"> <li>i. Every block of flats, residential building or hotel in this zone must have access to an outdoor living area and will provide communal open space but excludes parking, service yards and roads.</li> <li>ii. Communal open space of at least 10% of the whole property must be provided as outdoor recreational/garden areas as one functional space.</li> </ul>	<p>A total of 2069m<sup>2</sup> is being provided throughout the development.</p> <p>2069m<sup>2</sup> x 100 = 206 900  206 900/ 18000m<sup>2</sup> = 11,49% Open Space</p>	Comply												
<b>Parking</b>	<p>Parking and access shall be provided on the land unit in accordance with 17.1.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Units</th> <th>Parking Bays Required</th> </tr> </thead> <tbody> <tr> <td>1-Bedroom Units</td> <td>1.5</td> </tr> <tr> <td>2 &amp; 3-Bedroom Units</td> <td>2</td> </tr> </tbody> </table>	Units	Parking Bays Required	1-Bedroom Units	1.5	2 & 3-Bedroom Units	2	<table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Number of Units</th> <th>Parking Bays Required</th> </tr> </thead> <tbody> <tr> <td>61 x 1-Bedroom Units</td> <td>91,5</td> </tr> <tr> <td>73 x 2 &amp; 3 Bedroom Units</td> <td>146</td> </tr> </tbody> </table> <p>237,5 (238) Parking Bays required  <b>244 Parking Bays provided</b></p> <p><u>Blocks A and B will have parking on the ground floor below the first-floor flats.</u></p>	Number of Units	Parking Bays Required	61 x 1-Bedroom Units	91,5	73 x 2 & 3 Bedroom Units	146	Comply
Units	Parking Bays Required														
1-Bedroom Units	1.5														
2 & 3-Bedroom Units	2														
Number of Units	Parking Bays Required														
61 x 1-Bedroom Units	91,5														
73 x 2 & 3 Bedroom Units	146														
<b>Screening</b>	Screening must be provided in accordance with 16.7.	N/A	N/A												
<b>Development Parameters of 6.3.2</b>															
<b>Density</b>	<ul style="list-style-type: none"> <li>i. The maximum gross density in this zone is 50 units a hectare.</li> <li>ii. A minimum erf size of 3000 m<sup>2</sup> is applicable for densification.</li> </ul>	<ul style="list-style-type: none"> <li>i. Proposed density of 74,44 du/ha</li> <li>ii. The property has an extent of 1,8ha.</li> </ul>	<ul style="list-style-type: none"> <li>i. Applied and motivated</li> <li>ii. Comply</li> </ul>												



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## 8. NOTIFICATION OF INTEND TO DEVELOP (NID)

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Section 38 of the National Heritage Resources Act, contains the following provisions and the proposed development will necessitate that a Notice of Intent to Develop to Heritage Western Cape is submitted:

*"Heritage resources management*  
38.

- (1) *Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as—*
- a) the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;*
  - b) the construction of a bridge or similar structure exceeding 50 m in length;*
  - c) any development or other activity which will change the character of a site*
    - i. **exceeding 5 000 m<sup>2</sup> in extent;** or*
    - ii. involving three or more existing erven or subdivisions thereof; or*
    - iii. involving three or more erven or divisions thereof which have been consolidated within the past five years; or*
    - iv. the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;*
  - d) **the re-zoning of a site exceeding 10 000 m<sup>2</sup> in extent;** or*
  - e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority,*

An NID was submitted to Heritage Western Cape and it the Record of Decision confirmed no heritage impacts are present. Refer **Annexure E: Heritage – Record of Decision**

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## 9. SERVICES

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The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

### **Electricity and Water**

The proposed development of Erf 1735, Sandbaai will require the connection of essential municipal services, namely water, electricity, and sewerage, to the Overstrand Municipality's existing infrastructure networks. As part of the formal application process, all service connection requests will be subject to technical review by the relevant internal engineering departments. These departments will assess the proposed demands and provide input regarding the capacity and any upgrades or contributions required.

To support this process, a bulk water capacity analysis was undertaken by GLS Consulting (Pty) Ltd, confirming that sufficient capacity exists within the municipal water supply network to accommodate the proposed development. The findings indicate that the anticipated impact on the network is minimal and within acceptable limits. (Refer to **Annexure F**)

In addition to adhering to the engineering requirements, the property owners have committed to making financial contributions towards the upgrading of bulk infrastructure where necessary. This commitment ensures that the proposed development does not place



undue pressure on municipal services and that sufficient infrastructure capacity is available to serve both the development and the surrounding community.

These proactive measures reflect a responsible and sustainable development approach, where the long-term serviceability of the area is considered alongside the proposed intensification. The proposed infrastructure contributions will not only enable the development but also benefit the broader Sandbaai community by improving service reliability and future-proofing the local infrastructure network.

This collaborative and forward-thinking infrastructure strategy underlines the development's commitment to sustainable urban growth and its integration into the existing urban fabric of Sandbaai.

### **Sewage**

The Sandbaai area currently lacks a formal full bore municipal sewage system and relies on conservancy tanks to manage wastewater. These tanks are connected to an existing municipal small bore wastewater network that only accommodates black water, while solids remain in the tanks and must be periodically removed through servicing.

To ensure that the proposed development complies with engineering requirements, it is proposed that a communal conservancy tank be installed to serve all units within the development. This proposal is subject to approval by the Overstrand Municipality and will be designed in accordance with applicable engineering standards to ensure long-term viability and operational efficiency.

The implementation of a communal system will bring several advantages. It will significantly reduce the maintenance burden and servicing costs associated with multiple individual tanks. Centralised management will also allow for better monitoring and scheduling of waste removal, ensuring consistent and reliable sanitation for all residents. Furthermore, a communal tank system promotes better hygiene and reduces the risk of individual tank failures or environmental contamination, thereby supporting improved health outcomes within the development.

Importantly, the communal system will be designed in line with municipal guidelines and best practices, ensuring that it is safe, effective, and sustainable. Should a formal sewage system be introduced to Sandbaai in the future, the development can be adapted accordingly. For now, the proposed solution provides a practical and responsible approach to wastewater management that meets the needs of both the development and the broader community.

### **Solid Waste**

The proposed development will include a refuse room of adequate size, ensuring that the waste generated from the land unit can be stored for a week. This will comply with the Overstrand Municipality's by-laws, which require a refuse storage facility to be of sufficient size (32m<sup>2</sup>) and designed in a manner that is architecturally compatible with the surrounding structures.

It should also be noted the refuse room will be connected to the water and sewer to ensure the area can be kept clean and always sanitised and to be compliant in terms of 17.4.1 of the OMLUS.



The refuse room will also be located adjacent to a public street (End Street) or in a position that provides acceptable access to a refuse collection vehicle. These measures ensure that the proposed development is executed in a manner that is safe, aesthetically pleasing, and in compliance with the necessary regulations.

### **Traffic, Access and Egress**

#### Access and Egress

To ensure smooth traffic flow and to minimise congestion along surrounding streets, vehicular access and egress to the subject property will be split between End Street and Bergsig Street. The proposed access point on End Street will offer approximately 20m of stacking distance, exceeding the minimum requirement set out in the Traffic Impact Statement (TIS). The egress onto Bergsig Street will allow for 12m of stacking distance, providing ample space for vehicles to exit without causing backlogs onto the public roadway.

Both the access and egress points will be controlled by a security gate system, which will regulate vehicle flow and prevent congestion from spilling over into the surrounding streets. This design significantly improves traffic safety and efficiency, enhancing safety for both pedestrians and motorists by reducing the likelihood of queuing or bottlenecks near the entrances.

#### Traffic

To assess the potential impact of the proposed development on the surrounding road network, the property owners appointed a professional traffic engineer to compile a Traffic Impact Statement (TIS). The TIS, attached as **Annexure D**, provides a comprehensive evaluation of anticipated traffic volumes and patterns resulting from the proposed development.

The TIS confirms that no upgrades to the existing external road network are required to accommodate the development. However, it offers a series of engineering recommendations to ensure optimal functionality and traffic flow within the internal road network. These recommendations have been considered and incorporated into the revised site development layout, ensuring that the internal circulation system is both efficient and safe.

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## **10. ENVIRONMENTAL CONSIDERATIONS**

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The proposed development has been designed with a clear commitment to environmental responsibility and sustainability, despite its location within a fully urbanised area. The property is situated within the existing urban edge and is not located within any environmentally sensitive area, such as a wetland, Critical Biodiversity Area, or the Environmental Protection Overlay Zone (EMOZ) as defined by the Overstrand Municipality's planning instruments. Consequently, the development does not trigger any listed activities under the National Environmental Management Act (NEMA), and no Environmental Impact Assessment (EIA) is required.

The proposal reaffirms a strong commitment to landscaping and green preservation throughout the site. Existing mature vegetation will be retained where possible, and additional planting will be incorporated into the final landscape design to enhance the visual



appeal and ecological quality of the development. This approach aligns with the broader community's preference for maintaining greenery within the built environment.

Although the site has not been classified as a wetland, the water table and potential subterranean water movement is noted. The development will include the installation of an agri-drain (sub-soil drainage system) along the western boundary wall. This system is designed to intercept and redirect subsurface water away from neighbouring properties and will be fully integrated with the internal stormwater management network, which connects to a detention dam that will be designed and installed by civil engineers. This ensures that the development does not increase runoff or create any flooding risk for surrounding properties.

In addition, prior to the commencement of site clearing or construction, a manual sweep of the property will be undertaken to identify and safely relocate any wildlife. This precautionary measure reflects the property owner's intention to undertake the development in a respectful and environmentally conscious manner, even though the property is not located within a designated conservation area.

In summary, while the subject property is located within an urbanised context and does not fall within an environmentally sensitive zone, appropriate environmental considerations have been incorporated into the development design. These measures demonstrate a responsible approach to stormwater, biodiversity, and landscape management, ensuring that the development contributes positively to the overall urban environment without compromising ecological integrity.

**11. 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 can be illustrated as follow:

**Need and desirability.**

The need for the land use application arises from the necessity to align the property with the proposed development objectives and to ensure full compliance with applicable land use and zoning requirements. To achieve this, the property owners are required to apply for the rezoning, enabling the development to proceed in accordance with the desired layout and use parameters.

Socio-economic impact	<p>The socio-economic impact of a residential development refers to the potential influence it may have on the social and economic dynamics of the surrounding area. This includes considerations such as population growth, employment opportunities, household income levels, housing affordability, property values, and the increased demand for local services and amenities including schools, shops, and healthcare facilities.</p> <p>The proposed development is expected to contribute positively to the local socio-economic context. During the construction phase, it will create short-term employment opportunities, benefiting local contractors, labourers, and service providers. Once completed, the addition of 134</p>
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	<p>residential units will attract new households to the area, which will in turn stimulate local spending and support the growth of surrounding commercial nodes, including the nearby Whale Coast Mall and smaller retail centres.</p> <p>Furthermore, the development will broaden the range of housing options available, aimed at middle-income households. This will contribute to improved housing affordability and accessibility, helping to address the significant demand for well-located, secure residential opportunities in the Greater Hermanus area.</p> <p>The increased number of rate-paying households will also contribute to the municipal rates base, enabling the municipality to invest further in infrastructure and service delivery. In this way, the proposed development supports both economic development and the social integration of new residents into the broader Sandbaai community.</p>
<p>Compatibility with surrounding uses</p>	<p>The proposal to establish a residential development on the subject property is highly compatible with the surrounding land uses. The area is predominantly residential in character, and the proposed development will represent a logical and seamless extension of the existing residential fabric.</p> <p>The layout and scale of the proposed development have been carefully designed to respect the character of the surrounding neighbourhood. Building form, density, and placement have been considered to ensure minimal visual intrusion and to maintain the residential nature of the area.</p> <p>Moreover, the development aligns with the municipality's spatial development policies, which encourage the consolidation of urban areas and the efficient use of land within existing urban footprints. The proposal supports this objective by introducing a land use that is consistent with its surroundings and compatible with existing infrastructure and services.</p> <p>By reinforcing the existing residential context and integrating with the surrounding neighbourhood, the development will contribute positively to the built environment, without introducing any conflicting land uses.</p>
<p>Impact on the external engineering services</p>	<p>Refer Section 9.</p>
<p>Impact on safety, health and wellbeing of the surrounding community</p>	<p>The proposed development is not anticipated to negatively impact on the safety, health, or general wellbeing of the surrounding community. On the contrary, it is expected to contribute positively by introducing new residents to the area, potentially stimulating local investment and supporting the long-term vitality of the neighbourhood.</p>



	<p>To promote a safe and secure environment, a professional security firm will be appointed to safeguard the property during the construction phase. Measures will be taken to ensure that contract workers remain within the designated construction area during working hours. This proactive approach reduces the likelihood of unauthorised movement in the surrounding neighbourhood and promotes general peace of mind for nearby residents.</p> <p>Following the completion of construction, the development will feature several permanent security features. These include access control through a gated entrance, ensuring that only residents and authorised visitors can enter the premises. Optical surveillance cameras will be installed to provide 24-hour monitoring of key areas, further enhancing safety within the development.</p> <p>In addition, perimeter security will be managed through appropriate fencing and, where necessary, electric fencing will be installed in accordance with municipal by-laws and safety standards. Responsibility for ongoing security management will transition to the homeowners' association upon the completion and occupation of the development.</p> <p>These initiatives demonstrate a clear commitment to establishing a secure, well-managed residential environment that contributes positively to the health and wellbeing of both future residents and the broader Sandbaai community.</p>
Impact on heritage	The subject property is not listed in the OM Heritage Register. A NID was submitted, and the Record of Decision indicated there is no impact on heritage.
Impact on the biophysical environment	Refer to Section 10.
Traffic impacts, parking, access and other transport related considerations	Refer to Section 9.

**Impact on views, sunlight and character of the area**

The surrounding area is primarily residential in nature, comprising a mix of single residential and group housing developments. While the proposed development will introduce a higher residential density, this outcome aligns with the spatial vision and planning principles set out in the municipal spatial development frameworks, which promote infill and densification in strategically located urban areas.

The proposed increase in density through the development of an additional 134 dwelling units may result in a change to the visual character of the immediate vicinity. This impact is however not considered inappropriate, as the subject property is located within a built-up environment that already includes comparable forms of medium- to high-density



development. The development will thus represent a natural extension of the existing built fabric, consistent with the intended urban character of the precinct.

Views

While the protection of scenic views is often a concern in residential settings, South African case law has consistently confirmed that there is no legal entitlement to a view. Views are regarded as a personal amenity or "source of delight," but not a protected right inherent in land ownership. Accordingly, aesthetic considerations such as views are not determinative in land use decision-making.

Notwithstanding the above, the proposed development has been sensitively designed to minimise any adverse visual impacts. The buildings along the property boundaries will be limited to two storeys in height, with any three-storey components restricted to the centre of the site. This approach creates a stepped built form that respects the scale of adjacent properties and reduces the visual prominence of the development.

In addition, the layout has been amended to comply with applicable side and rear building lines under the OMLUS, further contributing to visual integration with the surrounding built environment.

Privacy	<p>The property owners have taken specific steps to minimise any potential impact on neighbouring properties, and the amended development reflects a considered response to these concerns.</p> <p><u>Proposed Mitigation and Amended Design</u></p> <p>The revised layout includes the introduction of lower-density townhouses along the common boundaries with the adjacent Monte Mare and Ocean Breeze developments. These units have been deliberately positioned and scaled to reduce overlooking and to create a more sensitive interface with neighbouring properties.</p> <p>In addition to the revised building layout, further mitigation will be achieved through landscaping measures. The existing mature trees along the boundary with Monte Mare and Ocean Breeze will be retained as far as possible to serve as a natural screen. Supplementary planting will also be undertaken, including the addition of new trees and vegetation, to enhance privacy and provide effective visual buffering between the developments.</p> <p>These measures reflect the property owners' commitment to responding to community input and ensuring that the proposed development integrates respectfully with its surroundings.</p>
Light Pollution	<p>The proposed development will incorporate several design and management measures to minimise its impact on the surrounding environment. The intention is to preserve the character of the night-time landscape and avoid unnecessary disturbance to neighbouring properties and local wildlife.</p> <p>Firstly, shielded outdoor lighting fixtures will be used throughout the development. These fixtures are specifically designed to direct light</p>



	<p>downwards and limit the amount of light emitted into the sky or adjacent areas. This approach significantly reduces glare and light spillage, ensuring that lighting is focused only where it is needed.</p> <p>In addition, all outdoor lighting will make use of low-intensity, energy-efficient light bulbs with warm colour temperatures. These bulbs are preferred over high-intensity, blue-rich white lights, which are known to contribute more significantly to light pollution. The use of warmer lighting not only reduces visual impact but also enhances the aesthetic appeal of the development at night.</p> <p>To further mitigate unnecessary light emissions, lighting fixtures will be fitted with timers or motion sensors. This will ensure that lights are only activated, when necessary, such as during periods of movement or after dark, and will automatically switch off during periods of inactivity or low usage. This measure contributes both to energy efficiency and to the reduction of light trespass.</p> <p>Lastly, the landscaping design will include tree and vegetation buffering, which will serve as a natural barrier around the site. Strategic planting of trees, shrubs, and other greenery will help to shield lighting from view and reduce the overall dispersion of light beyond the development boundaries.</p> <p>Through the implementation of these practical measures, the proposed development will maintain a sensitive approach to night-time lighting and will not contribute significantly to light pollution in the area.</p>
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Sunlight

The development has been carefully designed to avoid overshadowing of neighbouring properties. All buildings adjacent to external boundaries will be set back at least 4.5m, providing adequate separation to preserve access to direct sunlight. Furthermore, the restriction of three-storey structures to the interior portion of the site ensures that the height of buildings near adjoining properties remains modest.

The amended site layout includes a reduction in the height and density of buildings along the perimeter, which serves to mitigate any potential loss of daylight or overbearing impacts on adjacent dwellings. As such, the development remains compliant with OMLUS parameters and will not result in a loss of sunlight or undue shadowing.

Character

The proposal is consistent with the strategic objectives of the municipality to promote compact urban form and encourage the optimal use of serviced land within the urban edge. The area is identified as appropriate for densification, and the development responds directly to this policy intent by contributing to the delivery of additional housing opportunities in a sustainable location.

The proposed design will support a balanced neighbourhood character by incorporating a variety of unit types, internal landscaping, pedestrian pathways, and adequate internal



open spaces. This creates a high-quality living environment that complements the existing urban grain while addressing contemporary housing needs.

Moreover, the proposal includes extensive security measures, such as a gated entrance, optical surveillance, and controlled access, which will foster a sense of safety and order within the estate, benefitting not only future residents but also enhancing the broader area's overall sense of wellbeing.

Densification of this nature can also result in broader community benefits, such as reduced pressure for outward urban expansion, more efficient use of infrastructure, and potential improvements to housing affordability. By integrating well with existing residential developments and enhancing the functionality of the site, the proposed development will contribute positively to the long-term evolution of the neighbourhood.

**Surrounding Property Values:** The primary objective of the proposed development is to provide additional housing opportunities and to attract new residents to one of Hermanus' most desirable and accessible residential areas. The site is located within a designated densification zone and the proposal is fully aligned with the applicable municipal policies and spatial development frameworks.

Property values are influenced by a wide range of factors, including location, accessibility, noise levels, proximity to amenities, and overall neighbourhood character. Given that these aspects will be maintained, or in some cases enhanced, by the proposed development, there is no credible basis to suggest that property values will decline as a result.

On the contrary, it is expected that a well-designed and well-managed development often contribute positively to the desirability of an area. By introducing a range of housing options, improving the streetscape, and optimising the use of existing infrastructure, the proposed development has the potential to enhance the long-term appeal and investment value of the surrounding area.

### **Target Market**

As previously indicated, there is a significant demand for housing in the Hermanus area, particularly within the entry-level and first-time buyer segments. This demand has been exacerbated by the limited availability of affordable housing opportunities. Many recent residential developments in the Sandbaai area have focused predominantly on the higher-end market, making it increasingly difficult for individuals and families with modest incomes to secure suitable housing within their budget.

In response to this identified need, the development proposal seeks to directly address the demand in the entry-level market segment. The plan includes the construction of 37 one-bedroom flats priced at approximately R1.4 million. To add an additional product on the market 24 one-bedroom flats (Simplex) will be available with exceptional mountain views along the northern street building line. In addition, 46 two-bedroom flats are proposed, with pricing from R1.6 million. These units offer increased space and functionality, making them ideal for individuals or small families seeking practical and affordable living options.

To further broaden market appeal, the proposal includes 27 townhouses positioned along the outer boundaries of the site. These townhouses, priced from R2.4 million, are intended for



buyers seeking a more premium living experience. Each unit will include access to a private garden, providing a lifestyle offering that aligns with neighbouring single-family residences.

By offering a mix of unit types and a diverse pricing range, the proposed development is designed to accommodate a wide spectrum of potential homeowners. This approach not only responds to current housing market dynamics but also promotes socio-economic diversity and inclusivity within the Sandbaai community.

### **Economic impact**

The proposed development will generate both short- and long-term economic benefits for the surrounding area and the Overstrand Municipality.

#### Short-Term Impact:

Following approval, the construction phase of the project will commence, creating employment opportunities for local contractors, artisans, and labourers. This will provide a direct income stream to residents of Hermanus and the broader municipal area, thereby stimulating the local economy during the development phase.

#### Long-Term Impact:

Once completed and occupied, the development will increase the municipal tax base. Based on a conservative estimate of two persons per dwelling unit, the development is expected to accommodate approximately 268 new residents. This influx of people will bring increased consumer spending to the area, including expenditure on food, fuel, personal services, and other local goods and services, thereby supporting existing businesses and encouraging further economic activity.

In addition to the broader economic benefits, the development will generate significant municipal revenue:

- Estimated annual basic service charges: ±R1 950 000.00
- Estimated annual property rates (based on entry-level values): ±R1 160 000
- Bulk services contribution payable by the developer: ±R9.9 million

These financial contributions will assist the Municipality in maintaining and upgrading infrastructure, and in supporting service delivery for the broader community.

### **Opportunity cost**

In the context of land use planning, opportunity cost refers to a situation where a development proposal may result in the devaluation of neighbouring properties or the loss of existing land use rights for interested and affected parties following approval. In this instance, however, the proposed development in Sandbaai is not expected to negatively impact any adjacent landowners or their rights.

On the contrary, the proposal aligns with the spatial planning policies and frameworks applicable to the area, as detailed in Section 13 below. By responding directly to the documented housing demand, the development supports the Municipality in fulfilling its planning obligations and contributes towards meeting the broader needs of the community in a responsible and sustainable manner.



**12. COMPLIANCE WITH POLICIES AND REGULATIONS**

**12.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)**

The subject property is not located within the EMOZ.

**12.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)**

The subject property is not located within the HPOZ.

**12.3 Spatial Planning Policies**

The consistency of this proposed development with the applicable spatial development policies will herewith be illustrated. The spatial policies which are pertinent to the submitted proposal are the following:

<b>Provincial Spatial Development Framework - PSDF</b>
<p>The PSDF is a product of a provincial inter-departmental and inter-governmental collaboration under the guidance of the inter-departmental steering committee in collaboration with the private sector, academia, and non-governmental organisations. This broad participatory process has created a shared spatial vision that is intended to inform spatial development patterns in urban and rural areas in the province.</p> <p>Throughout the PSDF the importance of developing integrated and sustainable settlements as an objective of the framework is highlighted. The PSDF also provides a settlement agenda which addresses the full spectrum of Western Cape settlements irrespective of their size from metropolitan Cape Town to the smallest hamlets.</p>
<b>Overstrand Municipal Spatial Development Framework - OMSDF</b>
<p>The Municipal Spatial Development Framework is a sectoral component of the IDP (Integrated Development Plan) that, in terms of the MSA (Municipal Systems Act), is aimed at providing general direction to guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable and habitable regions, cities, towns and residential areas.</p>

The PSDF and OMSDF are frameworks to be interpreted on a local level. National policies, such as the National Development Plan, National Spatial Development Frameworks etc. provide guidelines on several important aspects which includes human settlements. To focus on provincial and local policies will ensure alignment with the above-mentioned higher hierarchy of legislation and policies.

**12.3.1 Provincial Spatial Development Framework - PSDF**

To ensure that the proposed residential development aligns with the PSDF and the broader objectives of the provincial human settlement policies, the proposal has been evaluated against the relevant policy objectives.



Provincial settlement policy objective	Alignment of the proposal with the policy objectives.
<p>Protect and enhance sense of place and settlement patterns</p>	<p>The proposed development is located on the southern side of Bergsig Street, consistent with the area's designated densification strategy. The site has been carefully selected to integrate seamlessly into the existing urban fabric of Sandbaai, allowing future residents convenient access to a range of established amenities. Notably, a dedicated pedestrian access is proposed to connect the development directly to the nearby Whale Coast Mall, further promoting walkability and connectivity.</p> <p>This objective is met through the thoughtful siting of the development and the emphasis on accessibility and integration with the surrounding neighbourhood. The proposal also supports a strong sense of place by prioritising quality of life, enhancing the character of the area, and introducing a new node of activity that contributes positively to the broader Sandbaai settlement pattern.</p>
<p>Improve accessibility at all scales</p>	<p>The subject property enjoys strategic accessibility to both Hermanus and the broader Cape Town metropolitan area via the main distributor routes serving the region. This locational advantage supports the efficient movement of people and goods at both local and regional scales.</p> <p>The proposed development has been carefully designed to integrate with the existing road network of Sandbaai, contributing to the expansion of the urban area in a manner that promotes connectivity. Its location ensures convenient access to key urban centres, services, and economic opportunities, thereby supporting the principle of improved accessibility across all scales of settlement planning.</p>
<p>Promote an appropriate land use mix and density in settlements</p>	<p>The primary land use of the proposed development is residential, thoughtfully designed to respond to the needs of the growing population in Sandbaai. In addition to providing a variety of housing typologies, the development incorporates strategically placed open spaces that promote residents' access to nature and recreational amenities.</p> <p>This balanced approach supports a healthy urban environment by combining appropriate residential densities with green communal areas, contributing to both social wellbeing and environmental sustainability. The proposal aligns with municipal objectives to achieve sustainable densification while maintaining a high quality of life through integrated land use planning.</p>
<p>Ensure effective and equitable social services and facilities</p>	<p>As Hermanus serves as a regional service centre, as identified by the PSDF, it is crucial to ensure that the proposed development has efficient access to the range of social services and facilities available in the area.</p>



	<p>The subject property benefits from well-established and recently upgraded road networks that provide seamless connectivity to Hermanus and its surrounding facilities. This ensures that future residents will have equitable access to essential services such as healthcare, education, retail, and community amenities, supporting their social wellbeing and integration within the broader region.</p>
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**12.3.2 Overstrand Municipal Spatial Development Framework - OMSDF**

The OMSDF is a pivotal guiding document for spatial planning within the municipality. It is developed in accordance with national, provincial, and municipal legislation, policies, and plans, including SPLUMA, LUPA, municipal by-laws, the PSDF, and the IDP. The primary purpose of the OMSDF is to provide clear direction for sustainable and appropriate land use within the urban edge, ensuring that new developments align with the municipality's shared spatial vision.

The OMSDF was formulated with extensive input from state departments, stakeholders, and the public to address the pressing need for adequate housing options in response to a growing population. The proposed residential development is consistent with the OMSDF's objectives, particularly its focus on accommodating housing demand in the Sandbaai area, which forms part of the Greater Hermanus region. As reflected in Tables 3 and 4 of the OMSDF, population growth throughout Overstrand continues to rise, with Sandbaai experiencing similar demographic trends.

To respond effectively to this growth, the proposed development will introduce 134 additional dwelling units within the Sandbaai (Hermanus) area. This aligns with the projected population increases identified in Table 2.7 on page 25 of the OMSDF. The proposal addresses a specific, highly sought-after segment of housing demand, contributing meaningfully to the availability of much-needed residential options in both Hermanus and Sandbaai.

By aligning with the OMSDF, this application supports the Overstrand Municipality's mandate to provide sufficient and diverse housing opportunities. The development adheres to the principles and objectives outlined in the framework, facilitating sustainable growth and ensuring that residential expansion within Sandbaai and the greater Hermanus area is well-planned and in harmony with the municipality's broader spatial vision.

**12.3.3 OVERSTRAND MUNICIPAL SPATIAL GROWTH MANAGEMENT STRATEGY, 2010 (OMGMS)**

On 27 May 2020, the Overstrand Municipal Council formally adopted the OMSDF, 2020. Concurrently, the Council rescinded the previous Overstrand Municipal Spatial Growth Management Strategy (OMGMS) of 2010.

Although the OMGMS was officially rescinded in 2020, the Overstrand Municipality's Town Planning Department continues to reference the document as a valuable guideline in their planning processes.

The subject property is situated within Planning Unit 6, which extends between the R43 and End Street, as illustrated in the figure 4:

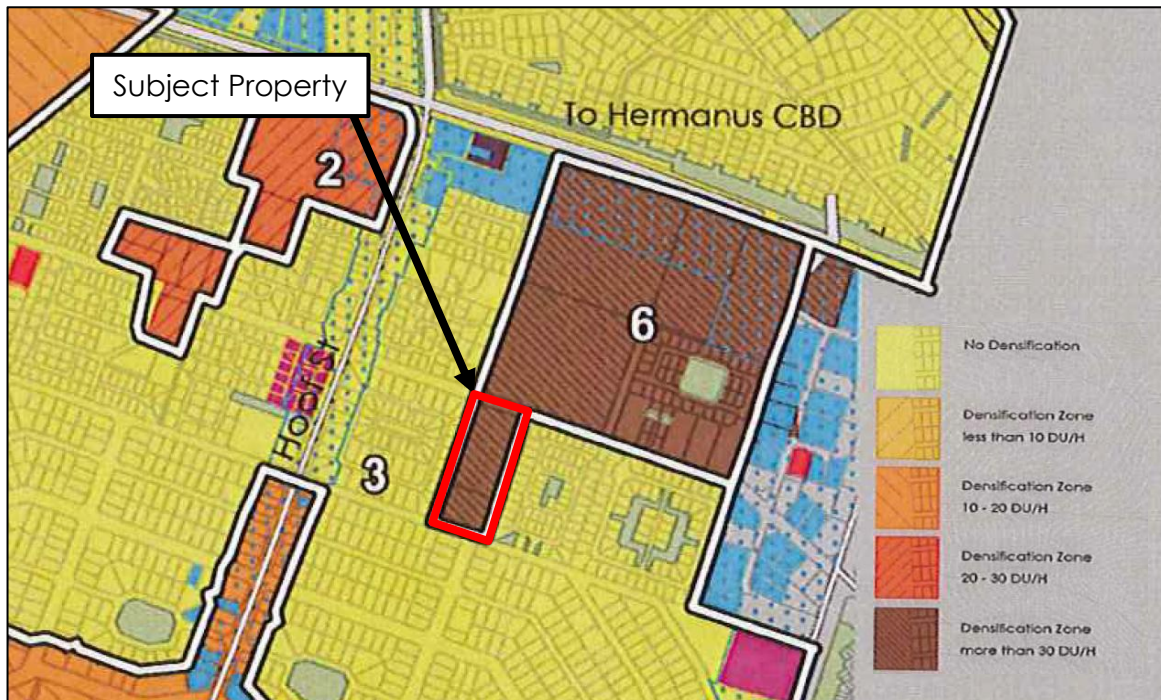


Figure 4: Extract OMGMS – Hermanus West

The proposed development aligns with the densification zone designation for the subject property, which supports densities more than 30 dwelling units per hectare. The OMSDF advises that the former Overstrand Municipal Growth Management Strategy (OMGMS) continue to be used as a guideline for development decisions.

Originally, Planning Unit 6 was planned to accommodate approximately 690 dwelling units. This target is however no longer achievable as a significant portion of the area has since been converted to commercial and industrial uses, thereby reducing the land available for residential development. Refer to figure 5:



Figure 5: Planning Unit 6

The diagram depicted in Figure 5 illustrates that the proposed development on the Remainder of Erf 1735, Sandbaai, represents the final residential development opportunity within Planning Unit 6. While the original vision for Planning Unit 6 was to accommodate 690 dwelling units, this is no longer achievable, as a significant portion of the area has since been converted to commercial and industrial uses.

Nevertheless, the proposed higher-density residential development on Erf 1735 Sandbaai will help to alleviate some of the housing demand in the area. Currently, Planning Unit 6 falls short of the targeted density of 35.2 Du/Ha as outlined in the OMGMS. The development proposal aims to increase the residential density in this unit, moving it closer to the prescribed density target and thereby contributing to more efficient land use and sustainable urban growth.



OMGMS Proposal – Planning Unit 6	
Extent	19,6 Ha
Proposed Dwelling Units	690 Du
Proposed Density	35,2 Du/Ha

Planning Unit 6 spans an extent of 19.6 hectares, and the proposed development of 134 additional dwelling units would only bring the density up to 9.03 Du/Ha, far below the targeted density.

Current Situation - Planning Unit 6	
Extent	19,6 Ha
Existing Dwelling Units:	45 Du (Sandy Cove)
Proposed Development Dwelling Units:	134 Du
Total Proposed Dwelling Units:	177 Du
<b>Proposed Density</b>	<b>9,03 Du/Ha</b>

In addition to density, the proposed development's height, planned to be up to 9.0m and three storeys high in the central portion of the site, also aligns with the guidelines set out in the OMGMS. The OMGMS further specifies that the preferred housing typology for Planning Unit 6 is two- to three-storey walk-up buildings (classified as D6), which corresponds directly with the development proposal. The property owners have deliberately identified this site to accommodate such two- and three-storey structures.

The table below provides a clear comparison of densities from other notable developments in Hermanus located outside the CBD, illustrating that the proposed density for this project is within the established range of recent developments in the area.

Development Name	Total Units	Erf Extent (m <sup>2</sup> )	Du / ha
Belle on Main	42	3103	135
Silver Oaks	50	4461	112
Oak Terrace	50	3286	152
2-on-Main	20	2456	81

These developments were identified because they are located within the same or lower densification zones as the proposed development and involve similar residential typologies, making them relevant points of comparison. It is also acknowledged that many of these developments are situated close to Hermanus's central business district (CBD), the primary commercial and economic hub of the town. Similarly, the proposed development benefits from its strategic location near key commercial and business areas, including the Whale Coast Mall and an adjacent industrial zone, which is designated as a "Business/Industrial Node" within the OMSDF.

This proximity to well-established commercial and employment nodes provides a strong justification for allowing a higher residential density. Higher densities near such hubs promote sustainable urban growth by supporting public transport viability, encouraging walkability, and reducing reliance on private vehicles. This in turn helps to reduce traffic congestion and carbon emissions, aligning with broader municipal and provincial sustainability goals.



Moreover, higher-density developments in locations close to commercial centres optimise the efficient use of existing infrastructure and services such as roads, water, electricity, and social amenities. This reduces the need for costly expansion of infrastructure networks and helps the municipality to manage growth in a fiscally responsible manner.

Allowing increased density also supports economic vibrancy by increasing the local population base that patronises nearby shops, businesses, and community facilities. This creates a positive feedback loop where residential growth sustains commercial investment, which in turn enhances amenities and services for residents.

Furthermore, the proposed development's density falls within the ranges of comparable, already approved developments, demonstrating that it is neither unprecedented nor out of scale for the area. Given that the subject property is one of the few remaining parcels suitable for higher density within this zone, permitting the proposed density will assist in addressing the housing demand efficiently without contributing to urban sprawl.

The combination of the site's strategic location adjacent to key commercial and industrial nodes, the efficient utilisation of infrastructure, and the alignment with sustainability and economic objectives provides a sound basis for permitting the proposed higher density. This approach supports the municipality's spatial development goals while responding to critical housing needs in the Hermanus area.

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### 13. PLANNING PRINCIPLES

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Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided by. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

#### **Spatial Justice**

Spatial justice in land use planning refers to creating a fair and equitable distribution of resources and amenities to all members of society, regardless of their social and economic status. In South Africa, historical spatial planning practices have created significant imbalances, with certain areas designated for specific communities and deprived of necessary resources and infrastructure.

This proposed residential development aims to address this imbalance by providing housing options for all members of the community, irrespective of their socioeconomic status. The development has been strategically located with good access to both Hermanus and Cape Town, ensuring residents have access to employment, education, and other essential services.

By providing access to nature through specifically placed open spaces, the development also prioritises the well-being and quality of life of its residents. It is hoped that this development will contribute towards a more just and equitable society by addressing historical spatial imbalances and ensuring all community members have access to essential resources and amenities.

#### **Spatial Sustainability and Efficiency**

Spatial sustainability pertains to planning proposals that aim to establish communities that are both environmentally and economically sustainable. The proposed residential



development intends to contribute to the economic development of the Sandbaai area by increasing tax revenue collectible by the Overstrand Municipality, as highlighted in Section 12. The development seeks to establish residential units in an area that is strategically located, with convenient access to the Whale Coast Mall and major distributor routes leading to Hermanus and other towns within the Overberg and Western Cape regions.

The proposed development is expected to have a positive impact on the local economy by providing new job opportunities during construction and beyond. The increased housing density will also create greater demand for local goods and services, potentially benefiting local businesses. Additionally, the development's proximity to key commercial and transportation hubs can improve access to services and amenities, enhancing residents' quality of life and promoting economic growth.

Overall, this proposed development aligns with the principles of spatial sustainability by contributing to the social, economic, and environmental well-being of the Sandbaai area and the wider Overstrand Municipality.

### **Spatial Resilience**

This proposal is not in conflict with any spatial planning policies or other Overstrand Municipality regulations, which is a hallmark of resilience. The policies identified earlier in Section 12 are guided by a higher hierarchy of several policies and legislation with which the proposal is aligned.

### **Good Administration**

The Overstrand Municipality has a credible track record of good administration, particularly regarding the method of public participation. Public participation forms an integral part of the land use planning process. It provides people who may be affected by the proposal an opportunity to comment, raise concerns, or make suggestions that may lead to an improved outcome benefiting all parties. Comments received will be reviewed and considered, after which they will be addressed accordingly.



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### 14. CONCLUSION

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The proposed development is fully aligned with the spatial frameworks, legislation, and policies of the OM, particularly the OMSDF. This framework acknowledges the growing demand for residential development across the region, driven by the projected population increase in the coming years. By responding proactively to this demand, the development supports the municipality's broader vision for sustainable growth and housing provision.

This development aims to accommodate approximately 134 new families, thereby bringing fresh vitality and socio-economic benefits to the Overstrand area. It is designed in accordance with the principles of spatial sustainability, which emphasise creating resilient, viable communities capable of thriving in the long term. Far from being an intrusive or incompatible addition, the proposal has been carefully designed to minimise any adverse impact on the surrounding environment, including views, sunlight access, and the existing character of the neighbourhood. In this regard, the development is not only compatible with but also complementary to the Sandbaai area, enhancing its role within the broader urban fabric and contributing meaningfully to the revitalisation and growth of the town.

The location of the development significantly reinforces its suitability. Situated in close proximity to the Whale Coast Mall and key distributor routes that connect to Hermanus and other major centres within the Overberg and Western Cape regions, it offers convenient and accessible residential opportunities. This strategic positioning makes the development particularly attractive to families and individuals seeking quality living spaces with easy access to essential amenities, employment hubs, and transportation networks.

In addition to social and spatial benefits, the proposed development promises a positive economic impact for the OM. The increase in residential units will translate into higher property rates and service charges, thus generating additional municipal revenue. This revenue can be reinvested into the local infrastructure and services, further supporting the municipality's objective of fostering sustainable economic growth and improving quality of life for all residents.

In summary, the proposed development is a thoughtfully planned, well-located project that successfully balances growth with environmental and social considerations. It aligns seamlessly with the OM's spatial vision and policy framework, and will contribute substantially to meeting the housing demand, enhancing community vitality, and supporting sustainable development within Sandbaai and the wider Overberg region.

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### 15. RECOMMENDATION

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

**15.1 Rezoning** of Erf 1735, Sandbaai from Residential Zone 1: Single Residential to General Residential Zone 3: Flats (GR4) in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



## RECOMMENDATION

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**15.2 Permanent Departure** from the Southern 4m Street Building Line to 0m to allow the proposed refuse room in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

**15.3 Permanent Departure from the provisions of the zoning scheme** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.