



**OVERSTRAND MUNISIPALITEIT**  
**ERF 615, MALMOKSINGEL, VERMONT:**  
**AANSOEK OM OPHEFFING VAN BEPERKENDE**  
**TITELAKTEVOORWAARDES EN**  
**ONDERVERDELING: WRAP PROJEKANTOOR**  
**NAMENS L SLEGTENHORST**

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoeke van toepassing op Erf 615, Vermont (die eiendom), naamlik:

**Opheffing van Beperkende Titelaktevoorwaarde**

Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaardes E.(a) en E.(d) soos vervat in Titelakte T8377/2023 van die eiendom om die voorgestelde onderverdeling van die eiendom toe te laat.

**Onderverdeling**

Aansoek ingevolge Artikel 16(2)(d) van die Verordening om die eiendom in 2 gedeeltes te onderverdeel, naamlik Gedeelte A ( $\pm 610m^2$ ) en 'n Restant ( $\pm 727m^2$ ).

Besonderhede aangaande die voorstel lê ter insae gedurende weekdae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus.

Enige kommentare moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) bereik voor of op **14 Junie 2024**, met u naam, adres en kontakbesonderhede, belang in die aansoek, en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr. H Olivier** by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word om hul kommentare te formuleer.

Dr. DGI O'Neill, Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, HERMANUS, 7200

**Munisipale Kennisgewing Nr. 82/2024**

**OVERSTRAND MUNICIPALITY**  
**ERF 615, 33 MALMOK CRESCENT, VERMONT:**  
**APPLICATION FOR REMOVAL OF RESTRICTIVE**  
**TITLE DEED CONDITIONS AND SUBDIVISION:**  
**WRAP PROJECT OFFICE ON BEHALF OF L**  
**SLEGTENHORST**

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following application applicable to Erf 615, Vermont (the property), namely:

**Removal of Restrictive Title Deed Conditions**

Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions E.(a) and E.(d) as contained in Title Deed T8377/2023 of the property to allow the proposed subdivision of the property.

**Subdivision**

Application in terms of Section 16(2)(d) of the By-Law to subdivide the property into 2 portions, namely Portion A ( $\pm 610m^2$ ) and a Remainder ( $\pm 727m^2$ ).

Details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department : Town Planning at 16 Paterson Street, Hermanus.

Any comments must be in writing to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **14 June 2024**, quoting your name, address and contact details, interest in the application, and the reasons for comment. Telephonic enquiries can be made to the **Town Planner, Mr. H Olivier** at 028-313 8900. The Municipality may refuse to accept comment received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comments.

Dr. DGI O'Neill, Municipal Manager, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200

**Municipal Notice No. 82/2024**

**UMASIPALA WASE-OVERSTRAND**  
**ISIZA 615, 33 MALMOK CRESCENT, VERMONT:**  
**ISICELO UKUSUSWA KWEZITHINTELO**  
**KWISIVUMELWANO SOBUNINIMHLABA KUNYE**  
**UKWAHLULWA: WRAP PROJECT OFFICE**  
**EGAMENI LIKA- L SLEGTENHORST**

Kukhutshwa isaziso ngokumayela neCandelo 47 neCandelo 48 loMthetho Otshintshiweyo woMasipala waseOverstrand ongokuSetyenziswa Nokucetywa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala), ukuba kufunyenwe ezi zicelo zilandelayo ezimayela neSiza 615, Vermont (ipropathi), ukuba:

**Ukususwa kweMiqathango yeSivumelwano soBunini esiThintelweyo**

Isicelo ngokungqinelana neCandelo 16(2)(f) loMthetho kaMasipala sokushenxisa imiqathango yesithintelo setayitile yobunini E(a) kunye E(d) njengoko iqulethwe kwiSivumelwano soBunini T8377/2023 kwipropati ukuvumela ukwahlulwa okucetywayo kwepropati.

**Ukwahlulwa-hlulwa kwepropati**

Isicelo ngokungqinelana ngokweCandelo le-16(2)(d) loMthetho kaMasipala ukwahlula-hlula ipropati ibe yizahlulo ezi-2, ezizezi, iSahlulo A ( $\pm 610m^2$ ) kunye neNtsalela ( $\pm 727m^2$ ).

linkcukacha ezimayela nezi zicelo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi ko 08:00 no 16:30 kwiSebe: Town Planning e-16 Paterson Street, Hermanus.

Naziphi na izimvo mazibhalwe phantsi kwaye zifike kuMasipala (16 Paterson Street, Hermanus/ (f) 0283132093 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ngomhla okanye phambi kowama-**14 EyeSilimela 2024**, ngegama lakho, idilesi, iinkcukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zokuphawula. Imibuzo ngomnxeba ingenziwa ku**Mcwangcisi weDolophu, uMnu. H. Olivier** kule nombolo 028-3138900. UMasipala unokwala ukwamkela izimvo emva komhla wokuvala. Nabani na angandwendwela iSebe loCwangciso lweDolophu apho aya kuthi ancediswe ligosa likamasipala ekuqulunqeni izimvo zabo.

DGI O'Neill, uMphathi kaMasipala, uMasipala wase-Overstrand P.O. Box 20, HERMANUS, 7200

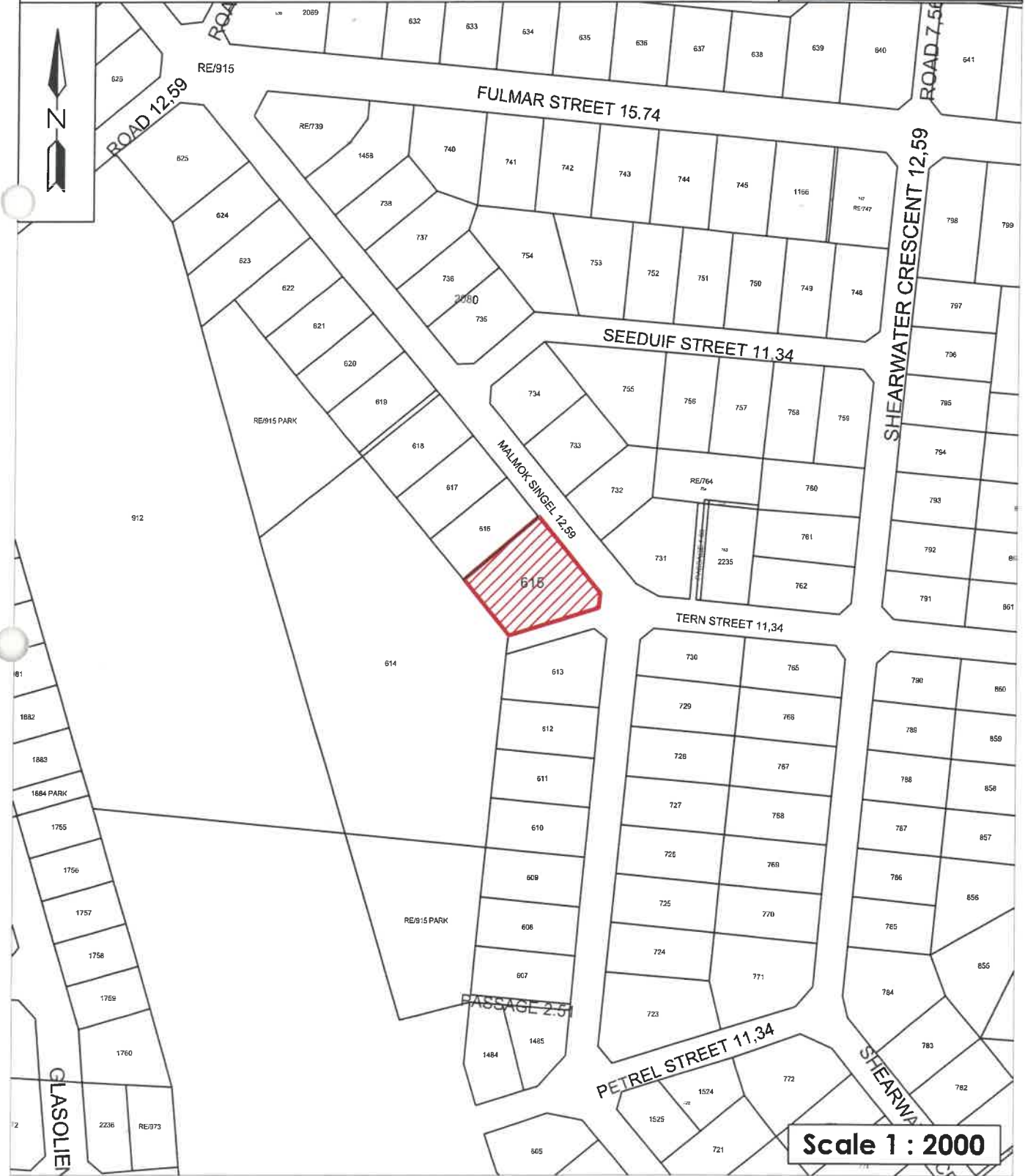
**Isaziso sikaMasipala No. 82/2024**

# 1. Locality Plan Erf 615 - Vermont

Plan prepared by: Thian Jansen  
Tel: 028 313 1411  
Email: admin@wrapgroup.co.za  
Unit B, Standard House,  
Corner of Royal and Dirkie Uys  
Street Hermanus, 7200



**Project Office**  
Town Planning & Project Management





**ERF 615, VERMONT**  
APPLICATION FOR SUBDIVISION AND REMOVAL OF A  
RESTRICTIVE TITLE DEED CONDITION

**Application prepared for:**

LAURA SLEGTENHORST

**Application prepared by:**

WRAP Project Office  
Postnet Hermanus Suite 170,  
Private Bag X16, Hermanus, 7200  
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Email: [admin@wrapgroup.co.za](mailto:admin@wrapgroup.co.za)  
Web: [www.wrapgroup.co.za](http://www.wrapgroup.co.za)

Author

**Thian Jansen (A/2858/2019)**

**Submitted**

December 2023

**Amended**

April 2024

18 APR 2024



TABLE OF CONTENTS

OVERSTRAND MUNICIPALITY APPLICATION FORM

1. ABBREVIATIONS .....	1
2. PROPERTY DETAILS.....	1
3. BACKGROUND .....	1
4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER' INTENT .....	2
5. APPLICATION.....	4
6. LAND USE ENVIRONMENT .....	5
7. TITLE DEED .....	5
8. ZONING.....	7
9. SERVICES.....	8
10. NEED AND DESIRABILITY .....	9
11. POLICIES AND REGULATIONS .....	11
12. PLANNING PRINCIPLES.....	13
13. EVALUATION .....	14
14. RECOMMENDATION .....	14

**LIST OF PLANS**

**PLAN 1:** LOCALITY PLAN

**PLAN 2:** ZONING PLAN

**PLAN 3.1 & 3.2:** PROPOSED SUBDIVISION PLAN

**PLAN 4:** SURVEYOR GENERAL DIAGRAM

**LIST OF ANNEXURES**

**ANNEXURE A:** POWER OF ATTORNEY

**ANNEXURE B:** COPY OF THE TITLE DEED

**ANNEXURE C:** BUILDING PLAN



**1. ABBREVIATIONS**

<b>OM</b>	Overstrand Municipality
<b>OMLUS</b>	Overstrand Municipality Land Use Scheme, 2020
<b>OM 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>LUPA</b>	Western Cape Land Use Planning Act, 2014.
<b>MSDF</b>	Overstrand Spatial Development Framework, 2020
<b>SDP</b>	Site Development Plan
<b>SR1</b>	Residential Zone 1: Single Residential

**2. PROPERTY DETAILS**

<b>Consultant</b>	WRAP Project Office
<b>Erf Number</b>	Erf 615, Vermont
<b>Erf extent</b>	1337m <sup>2</sup>
<b>Current zoning</b>	Residential Zone 1: Single Residential

**3. BACKGROUND**

Erf 615, Vermont, hereafter referred to as the subject property is owned by Laura Slegtenhorst. The property was purchased in 2023 with the purpose to renovate the existing dwelling and subdivide the property to be able to sell the subdivided portion on the open market.

The property owner had a clear vision for the subject property and after the renovation of the existing dwelling was complete, she approached WRAP to submit this land use application on her behalf. With ample space available, the proposal to subdivide to property into two portions is not predicted to be out of character for the area as it is proposed to be aligned with the sizes of neighbouring properties. By subdividing the property, the property owner aims to maximize the potential of the site and contribute to the overall development of the area.

Through careful planning and consideration of the surrounding property sizes, the property owner wants to ensure that the new erf will blend harmoniously into the existing neighbourhood. This approach not only enhances the visual appeal of the area but also promotes a sense of continuity and unity within the community.

Additionally, the proposed subdivision is currently being restricted by a condition contained in the title deed which requires to be removed to ensure the owner's vision can be achieved.

18 APR 2024



**4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER' INTENT**

WRAP was appointed to compile and submit a land use planning application to achieve the vision highlighted in Section 3 of this report (**Refer Annexure A – Power of Attorney**).

The following is proposed:

**4.1 Removal of a restrictive title deed conditions** in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

There are several title deed conditions that prohibit the owner from achieving their intent to subdivide the property, the conditions that are required to be removed are contained within the table below:

<b>Restrictive Title Deed Conditions</b>	
Condition E.	<p>“E. <i>SUBJECT FURTHER to the following conditions contained in said Deed of Transfer Number T840/1957 imposed by the Transferor Company therein namely "South Western Districts Land and Finance Corporation Limited" in its favour and its successors in title as owners of the remainder of the property held by Deed of Transfer Number T7023/1935 namely:</i></p> <p>“(a). <i>SAVE with the consent of the TRANSFEROR COMPANY in writing no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 3.15 metres to the street line which forms a boundary of the said property, and no such building or structure shall be situate within 1,57 metres of the lateral boundary common to any adjoining lot, nor save with the consent aforesaid, <b>may the said property (or any lot, if the property sold comprises more than one lot) be subdivided;</b></i>”</p> <p>...</p> <p>“(d) <i>UNLESS permission of the TRANSFEROR COMPANY in writing be obtained under condition (c) above, the said property shall be used for residential purposes only and <b>only one dwelling</b> together with such outbuildings are as ordinarily required for domestic purposes shall be erected on any one lot, and in particular, subject to any permission granted as aforesaid, no structure of the type commonly known as "flats" shall be erected on the said property.</i>”</p>

The rationale for the removal of the restrictive title deed conditions is to enable the property owner to achieve her intent highlighted in Section 3 and not be restricted in the future. Certain title deed conditions are more restrictive than what is allowed in terms of the OMLUS.



The rationale for the removal of these restrictive title deed conditions will be discussed in detail in Section 7 of this report.

**4.2 Subdivision** of Erf 615 Vermont into Portion A, ±610m and the Remainder, ±727m<sup>2</sup>, in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The subject property has an extent of 1337m<sup>2</sup>, which is larger than the average erf size in the area. The property offers ample space for an additional erf. The proposed subdivision aims to divide the property into two portions, with the existing dwelling house being located on the proposed remainder. Due to the placement of the house the remainder is proposed to have a larger extent than the subdivided portion A. For a visual representation of the proposed subdivision, refer to Figure 1.

Status Quo		
Existing extent Erf 615, Vermont		1337m <sup>2</sup>
Proposed Subdivision of Erf 615, Vermont		
1	Remainder of Erf 615, Vermont	±727m <sup>2</sup>
2	Portion A (a Portion of Erf 615, Vermont)	±610m <sup>2</sup>

Subdividing the property into two portions allows the property owner to effectively utilise the available space, creating an additional well-sized residential property that aligns with the surrounding neighbourhood. The proposed subdivision not only maximizes the development potential of the property, but also offers an opportunity for a new prospective homeowner to invest in a conveniently located and size residential plot. The space allocated for the subdivided portion will comfortably accommodate the construction of a dwelling house that cater to the evolving needs of a prospective homeowner.

Figure 1 serves as an illustration, depicting the proposed subdivision plan and providing a visual representation of the property's future layout. This visual aid helps in understanding the potential of the proposed subdivision.

With a clean slate, the prospective owners of Portion A will have the freedom to develop the property according to their vision.

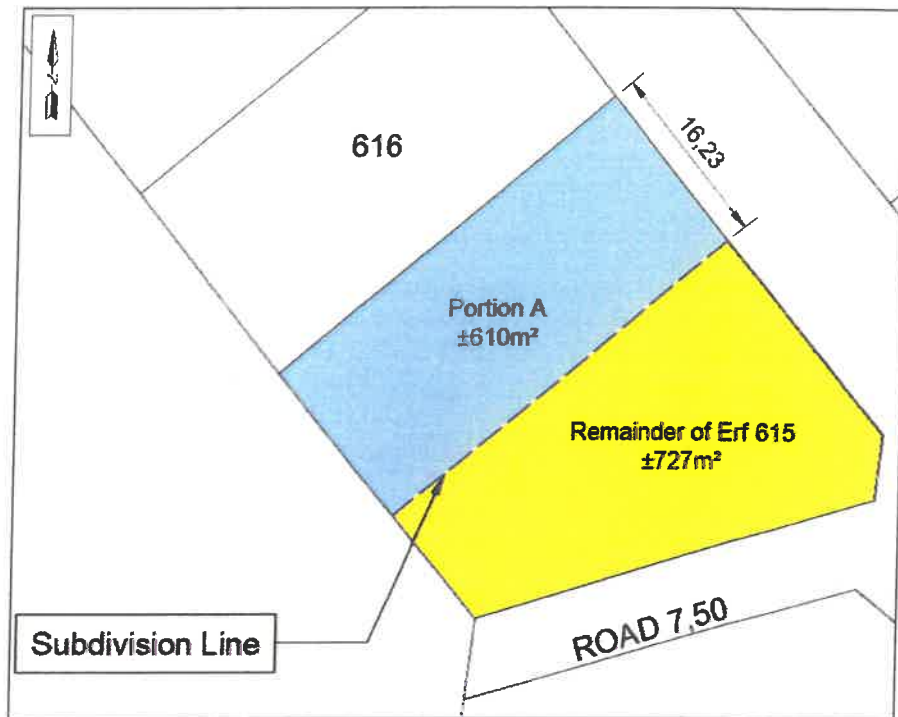


Figure 1: Proposed subdivision

With the population growth in the Overstrand area, new housing opportunities should be welcomed. The OMSDF contains calculations regarding the population growth in the main areas of the Overstrand Municipality. According to the OMSDF, Hermanus which includes the Vermont area experienced a population growth rate of 6.4% per annum between 2001 and 2011. The information within the OMSDF indicates that Greater Hermanus requires several thousand dwelling units to accommodate the projected population growth (OMSDF, p28).

This increase in population puts pressure on the OM to continue providing housing opportunities in areas where options are limited. Creating new housing opportunities in the Vermont area should be welcomed, as the supply of new erven in this specific area is scarce.

## 5. APPLICATION

Considering the above, application is made for the following:

- 5.1 Removal of a restrictive title deed conditions** in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.2 Subdivision** of Erf 615 Vermont into Portion A,  $\pm 610\text{m}^2$  and the Remainder,  $\pm 727\text{m}^2$ , in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.





**6. LAND USE ENVIRONMENT**

The subject property is located adjacent to a public open space which adds to the value of its location. Both properties will border the open space, while also enjoying access to the public road. The surrounding area's zoning is illustrated in **Plan 2** (zoning plan).

**7. TITLE DEED**

The title deed (**Refer Annexure B - T8377/2023**) was perused and there are restrictive conditions that were inserted into the original title deed and transferred into the current title deed. These conditions prohibits that the owner's intent with the subject property can be realised.

"E. SUBJECT FURTHER to the following conditions contained in said Deed of Transfer Number T840/1957 imposed by the Transferor Company therein namely "South Western Districts Land and Finance Corporation Limited" in its favour and its successors in title as owners of the remainder of the property held by Deed of Transfer Number T7023/1935 namely:

"(a). SAVE with the consent of the TRANSFEROR COMPANY in writing no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 3.15 metres to the street line which forms a boundary of the said property, and no such building or structure shall be situate within 1,57 metres of the lateral boundary common to any adjoining lot, nor save with the consent aforesaid, **may the said property (or any lot, if the property sold comprises more than one lot) be subdivided;**"

...

"(d) UNLESS permission of the TRANSFEROR COMPANY in writing be obtained under condition (c) above, the said property shall be used for residential purposes only and **only one dwelling** together with such outbuildings are as ordinarily required for domestic purposes shall be erected on any one lot, and in particular, subject to any permission granted as aforesaid, no structure of the type commonly known as "flats" shall be erected on the said property."

**Motivation**

**The rationale for the proposed removal**

The property owner's vision is to subdivide the property into two portions, as the proposed subdivision and use of the property in the future is currently being restricted. As the use is aligned with the residential nature of the surrounding area it is not considered out of the ordinary.



**MOTIVATION**

**Title deed condition background**

The restrictive title deed conditions were originally intended to protect the residential character of the Vermont area, but with the introduction of more overarching and stringent town planning regulations and guidelines in terms of density, erf sizes etc, the condition is being proposed to be removed.

**Status quo**

The current OM has clear policies and guidelines to ensure that the whole of the Overstrand Area's residential properties is managed in a similar manner. The title deed conditions are restrictive than the OMLUS. The removal of these conditions will bring the subject property in-line with what is allowed on a single residential property.

The current and future development of the property are being restricted by these title deed conditions. These conditions made sense when no clear development guidelines existed. With the restrictive conditions being more restrictive than the land use scheme and policies of the Overstrand Municipality, the property owner is not able to utilise her property to its full extent.

In terms of the requirements of LUPA, the following information is addressed in terms of Section 39(5)(a-f):

<b>LUPA, Section 39(5) (a-f)</b>	
<i>(a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;</i>	No person or entity will be affected financially by the removal of the restrictive title deed condition.
<i>(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;</i>	No person is directly benefitting from this condition as the condition is only restricting the property owners.
<i>(c) the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended;</i>	The property owners will be gaining from the removal of the restrictive condition as it will allow the owner to subdivide the property.
<i>(d) the social benefit of the restrictive condition remaining in place in its existing form;</i> <i>(e) the social benefit of the removal, suspension or amendment of the restrictive condition; and</i>	This restrictive condition does not have a social benefit.
<i>(f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.</i>	There is no specific beneficiary of the condition, and no person or entity will be affected if these are removed.



**8. ZONING**

The following zoning parameters were assessed in conjunction with the SR1 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law: The proposal is to create an additional portion which will also be zoned SR1 as it will allow the portion to be developed for residential purposes.

<b>Residential Zone 1: Single Residential</b>			
<b>Land Use Restrictions</b>			
	<b>Parameters</b>	<b>Proposal</b>	
		<b>Remainder</b>	<b>Portion A</b>
<b>Primary use</b>	Crèche, <b>Dwelling House</b> , Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling House	To be determined
<b>Consent use that may be applied for</b>	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	None	To be determined
<b>Development parameters</b>			
<b>Coverage</b>	The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area:  400m <sup>2</sup> and greater = 50%	<b>COMPLY</b>  Proposed Extent = ±727m <sup>2</sup>  Proposed Coverage = 15.62%	To be determined
<b>Height</b>	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	<b>COMPLY</b>  Only a single storey exists.	To be determined
<b>Building lines</b>	(i) The street building line is determined in accordance with the net erf area:  400 m <sup>2</sup> and greater = 4m	<b>COMPLY</b>  All building lines are being adhered to.	To be determined
	(ii) The side and rear building lines are determined in accordance with the net erf area:  Greater than 400 m <sup>2</sup> = 2m	<b>COMPLY</b>  Subdivision line located to ensure existing dwelling does not encroach on the 2m side building line.	To be determined



**MOTIVATION**

		All building lines are being adhered to.	
<b>Garages and carports</b>	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.	<b>COMPLY</b> No garages are present.	To be determined
<b>Parking</b>	Two on-site parking bays per dwelling unit, provided that on even less than 400 m <sup>2</sup> , only 1 on-site parking bay needs to be provided.	<b>COMPLY</b> There are two parking bays on the property	To be determined

**9. SERVICES**

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

**Electricity, Water, Sewage and Solid Waste**

The subject property is connected to the OM's services network which includes electricity, water, sewage and solid waste. The additional property will be required to connect to the OM's services network, creating an additional connection requirement if the proposal is approved, and the required Bulk Services Contribution will be made to the OM.

**Access, Egress, and Parking**

Refer to **Plan 3** for the proposed subdivision plan, vehicular access, and egress will be as follows:

	Property	Access and Egress
1	Remainder of Erf 615, Vermont	Malmok Crescent
2	Portion A (a Portion of Erf 615, Vermont)	Malmok Crescent



10. 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 proposed subdivision arose from the property owner's vision to be able to optimise the utilisation of the entire extent of the subject property.

<p>Socio-economic impact</p>	<p>The proposed subdivision, to accommodate a higher density residential development, has a positive impact on the following socio-economic aspects of the area:</p> <ul style="list-style-type: none"> <li>• <b>Increased Housing Options:</b> By subdividing the property into two portions, it essentially creates a new residential opportunity in the area. This allows for the construction of an additional dwelling house, providing an additional supply of housing options for residents. The increased availability of housing can help address the housing demand and potentially contribute to a more balanced and diverse housing market.</li> <li>• <b>Job Creation:</b> The subdivision project itself can generate employment opportunities. Various professionals and skilled workers, such as architects, construction workers, engineers, and landscapers, may be involved in the planning, design, and construction phases. The project can create both direct and indirect employment, thereby stimulating local economic activity and supporting livelihoods.</li> <li>• <b>Economic Growth:</b> The development of new residential properties through subdivision can contribute to local economic growth. It attracts investment and increases economic activity in the construction sector, as well as in related industries such as real estate, retail, and services. This growth can lead to increased tax revenue for local authorities, which can be reinvested in community infrastructure and services.</li> <li>• <b>Property Value Enhancement:</b> The subdivision and subsequent development of the subject property can positively impact property values in the surrounding area. Well-designed and well-maintained residential properties can enhance the aesthetic appeal and desirability of the neighbourhood. This can lead to an overall increase in property values, benefiting not only the property owner but also the broader community.</li> </ul>
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## MOTIVATION

	<ul style="list-style-type: none"> <li>• <b>Community Development:</b> The subdivision can contribute to the overall development and improvement of the community. The addition of new residential properties can attract a diverse mix of residents, fostering a sense of community and promoting social interactions. This can lead to the establishment of neighbourhood associations, community events, and initiatives that enhance the quality of life for residents.</li> <li>• <b>Infrastructure Investment:</b> Subdivision projects often involve the development or improvement of infrastructure in the area. The investment in infrastructure can enhance the overall liveability of the community and improve access to essential services, benefiting both existing and future residents.</li> </ul>
Compatibility with surrounding uses	The proposed subdivided portion will also be used for residential purposes which is compatible with the surrounding area.
Impact on the external engineering services	The Overstrand Municipality's Engineering Department will review the application to ensure that the availability of services is adequate, and the property owners will be expected to make a bulk services contribution. These contributions will also enable the municipality to improve any current services if required.
Impact on safety, health and wellbeing of the surrounding community	It has been determined that the residential use of the property will not be considered a nuisance land use that will negatively affect the surrounding community.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	The proposed subdivision is not expected to have a negative effect on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	The proposed development will have adequate parking on each portion, the access and egresses are proposed to be separate, it is not predicted that the subdivision will have a drastic impact on the traffic flow.



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

The proposed subdivision does not have any impact on the views, sunlight and character of the surrounding area.

The proposed subdivision will follow the development parameters set out by the OMLUS, which will ensure that the proposed development will not impact on the views and sunlight of the surrounding area. The proposal is also to develop the subdivided portion into a residential property that fits into the predominantly residential area.

**Economic impact**

Section 10 indicates what economic impact this proposed subdivision will have. Various role players will be employed and involved in the whole process. Jobs will be created on a temporary basis for all those role players involved, while on a more permanent basis more rates and taxes will be collected by the municipality.

**Opportunity cost**

An opportunity cost in the context of land use planning refers to a development proposal which leads to the devaluation or foregoing valued land use rights of interested and affected parties when an application is approved. The proposed subdivision will increase the surrounding property values as more housing opportunities will be created and new development will take place.

**Impact on heritage**

The subject property is not listed in the OM Heritage Register. None of the provisions in the National Heritage Resources Act, 1999 are triggered by this proposal. There is therefore no impact on heritage.

**Environmental impact**

No listed activities in terms of the National Environmental Management Act are triggered by this proposal.

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**11. POLICIES AND REGULATIONS**

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

**Coastal Protection Zone**

The subject property is located within the 'Urban Conservation EMOZ – Category D'. The purpose of which is to protect and manage undeveloped conservation-worthy public owned land within the Overstrand's urban edge, and adjacent buffer areas, while promoting the retention of viable priority ecological corridors in areas that are to be developed, to ensure an integrated 'conservation and development' approach that will enhance living conditions for the communities of the Overstrand.

The proposed subdivision is not expected to have a negative effect on the EMOZ and will remain present on the subdivided portion after subdivision has occurred.

**11.2 Heritage Protection Overlay Zone**

The subject property is not located in a HPOZ.



### **11.3 Spatial Planning Policies**

The compliance of this proposal with the applicable spatial development policies was assessed. These policies are instrumental in guiding spatial development and providing prescripts of what constitutes sound town planning development patterns. The compliance of this proposal in conjunction with provincial and local policies which are key development informants will be illustrated.

#### **PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK - PSDF**

##### **Policy preface**

The PSDF is a product of a provincial inter departmental and inter-governmental collaboration under the guidance of the interdepartmental steering committee with the private sector, academia, and non-governmental organisations. This broad participatory process has created a shared spatial vision which is intended to inform spatial development patterns of urban areas in the province.

##### **Consistency of the proposal with the policy**

Throughout the framework, the process of infill planning is emphasized. Section 3.3.7 states that densification should take place using infill planning and should be the first choice when densification is proposed.

The proposal to create an additional erf is in line with the proposal to densify an existing area. By densifying through infill, no urban sprawl is created, and the maximisation of the existing urban area is used. By densifying existing areas, these areas can benefit from higher economic activity.

#### **MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK – MSDF**

##### **Policy Preface**

The SDF's intention is to ensure compliance with national, provincial and district legislation policies and principles. The SDF aims to provide sufficient guidance regarding what constitutes appropriate spatial development land uses and direction within the urban edge. The SDF was drafted after considering input from other state departments and the public and provides a shared spatial vision which development proposal should ideally attempt to synchronise with.

##### **Consistency of the proposal with the policy**

The policy promotes the protection of the character of the OM. The approval and implementation of the proposed subdivision will not undermine the character of the site and surrounding area.

The SDF promotes the containment of the footprint of OM within the well-defined urban edge. The subject property is located within the urban edge of OM and this proposal contains urban development within this footprint as prescribed.





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## 12. PLANNING PRINCIPLES

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Chapter 2 of SPLUMA contains 5 uncompromisable planning principles 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 refers to planning proposals which do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal for the subdivision does not perpetuate apartheid spatial development imbalances.

### **Spatial sustainability**

Spatial sustainability refers to planning proposals which result in communities that are viable. This proposal to subdivide intends to ensure the subject property is utilised to its maximum capabilities. The proposed infill densification is a sustainable method to create new properties without requiring additional land.

### **Efficiency**

This proposal is intended to maximise the usage of the subject property and ensure the space is sufficient to comfortably accommodate an additional family.

### **Spatial resilience**

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

### **Good administration**

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process.

The public participation process provides people who may be affected by the proposal with an opportunity to provide comment and to raise issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.



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### 13. EVALUATION

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The proposal needs evaluation based on the inefficient utilisation of the current property's space. The property owner envisions subdividing the property to enhance its residential capabilities, because of the restrictive title deed conditions, it was also required to include the removal thereof into the application.

The subdivision won't introduce new land use rights, as the proposed subdivided portion is intended to be used for single residential properties. This proposal aligns with all relevant spatial planning policies, indicating that the property owner didn't arbitrarily devise this application but carefully considered pertinent spatial planning policies.

Throughout the process, various stakeholders will be engaged to assist the property owner to in realising her vision. These stakeholders include town planners, architects, land surveyors, and, ultimately, construction companies. Each stakeholder plays a vital role in the development of the proposed subdivided portion.

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### 14. RECOMMENDATION

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

- 14.1 Removal of a restrictive title deed conditions** in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 14.2 Subdivision** of Erf 615 Vermont into Portion A,  $\pm 610\text{m}$  and the Remainder,  $\pm 727\text{m}^2$ , in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

3.1 Proposed Subdivision  
Erf 615 - Vermont

Erf 615 - Vermont  
Extent = 1337m<sup>2</sup>

Proposed Subdivision

Portion A  
Extent = ±610m<sup>2</sup>

Remainder of Erf 615  
Extent = ±727m<sup>2</sup>

Plan prepared by: Thiam Jansen on 06/12/2023


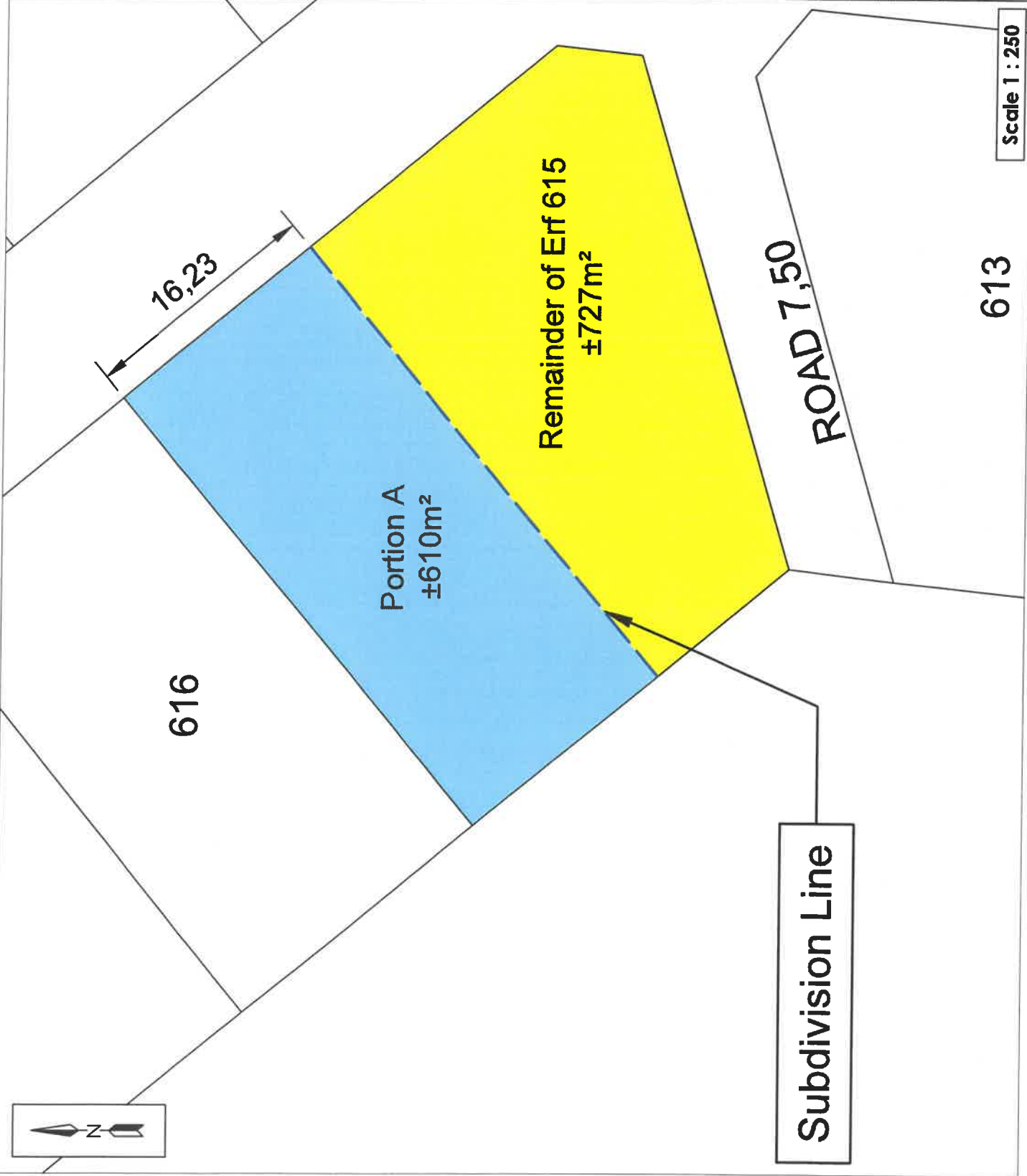
All distances are approximate  
and subject to a survey

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Street Hermanus, 7200

**Project Office**  
Town Planning & Project Management

3.2 Proposed Subdivision  
Erf 615 - Vermont

Erf 615 - Vermont  
Extent = 1337m<sup>2</sup>

Proposed Subdivision

Portion A  
Extent = ±610m<sup>2</sup>

Remainder of Erf 615  
Extent = ±727m<sup>2</sup>

Plan prepared by: Thian Jansen on 06/12/2023

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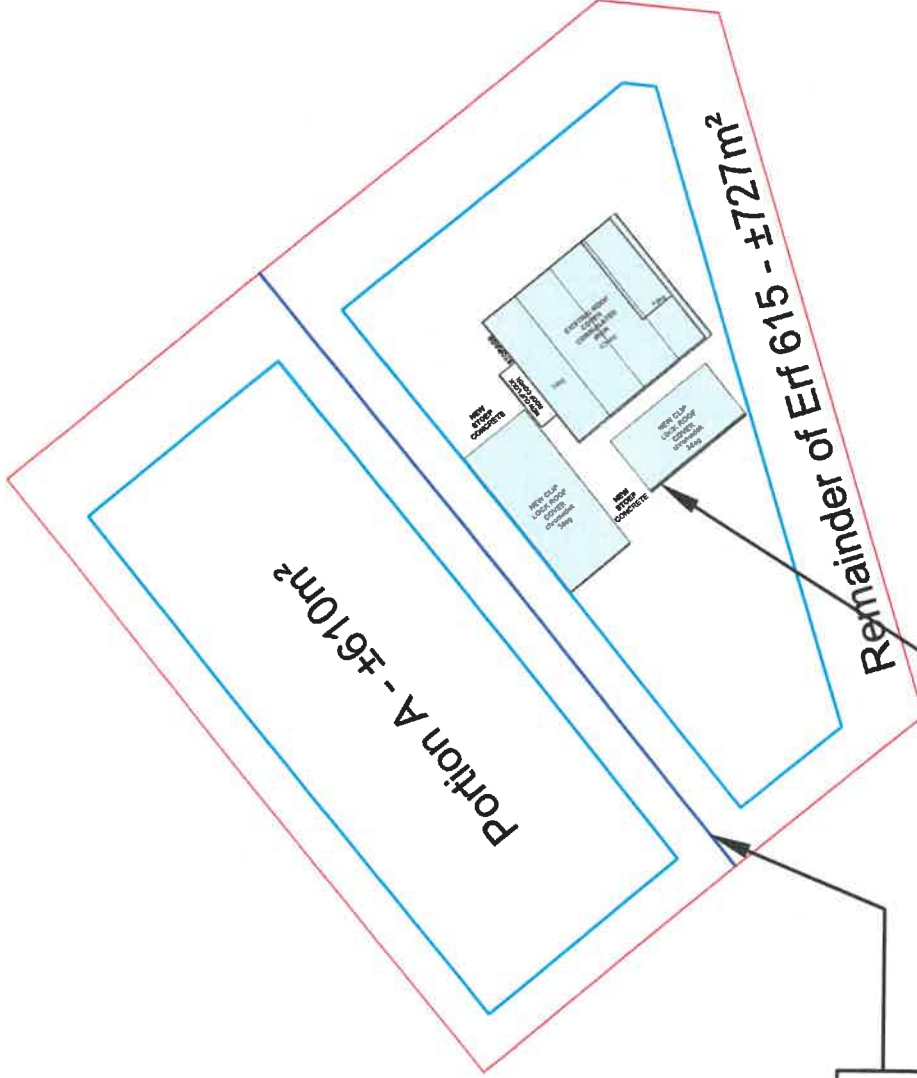
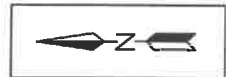
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**Project Office**  
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Scale 1 : 250



Subdivision Line

Existing Dwelling