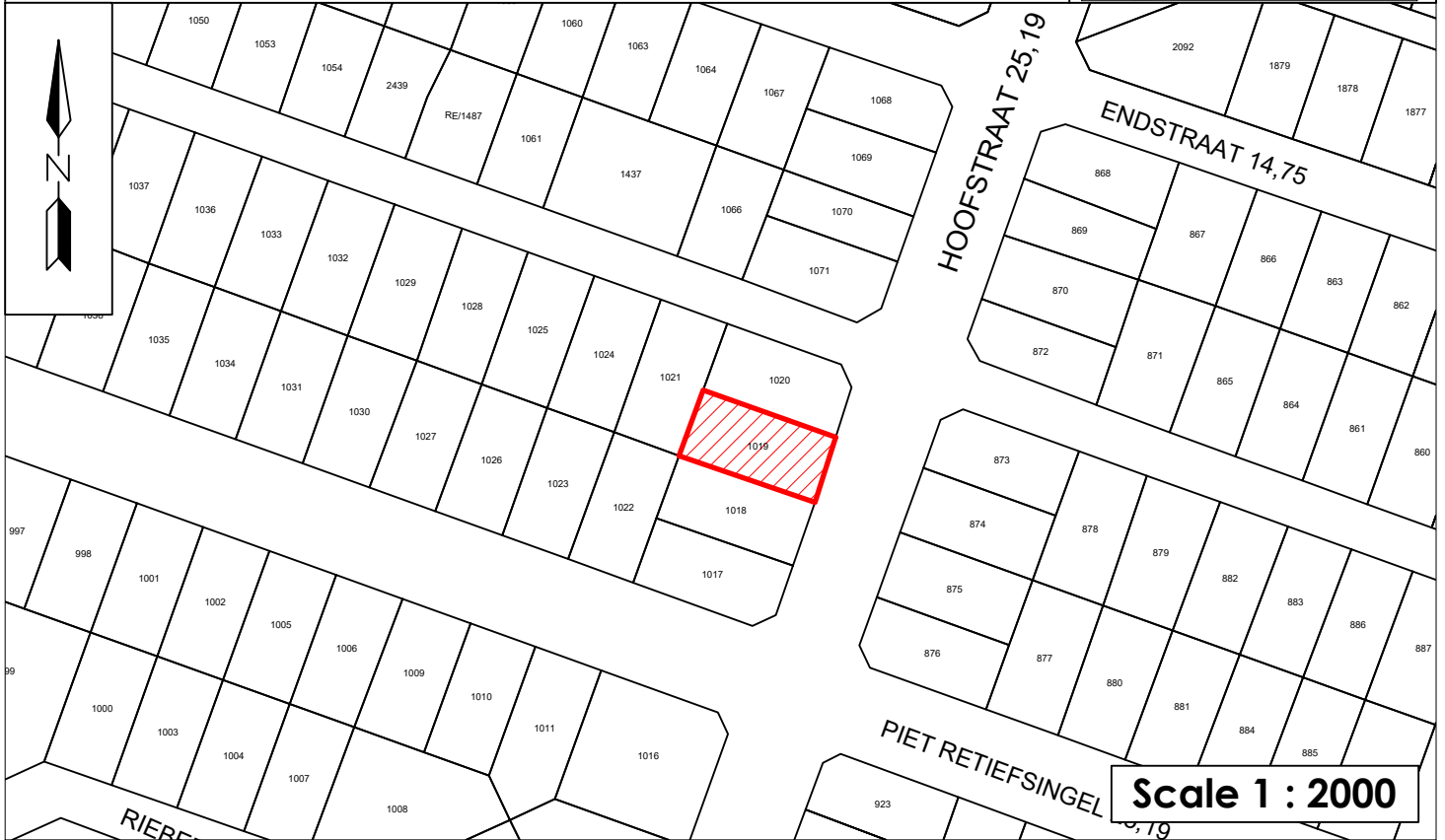


<p>OVERSTRAND MUNISIPALITEIT ERF 1019, HOOFWEG 93, SANDBAAI: OVERSTRAND MUNISIPALE AREA: AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDES, HERSONERING EN AFWYKING: MNRE WRAP PROJECT OFFICE NAMENS SAAYMAN PROPERTIES PTY LTD</p>	<p>OVERSTRAND MUNICIPALITY ERF 1019, 93 MAIN ROAD, SANDBAAI, HERMANUS. OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING AND DEPARTURE: WRAP PROJECT OFFICE ON BEHALF OF SAAYMAN PROPERTIES PTY LTD</p>	<p>UMASIPALA WASE-OVERSTRAND ISIZA 1019, 93 MAIN ROAD, E-SANDBAAI: INDAWO KAMASIPALA OVERSTRAND: ISICELO SOKUSUSWA KWEMIQATHANGO YETAYITILE ETHINTELWEYO, UKUCANDWA NGOKUTSHA KUNYE UKUTENXA: WRAP PROJECT OFFICE EGAMENI LIKE SAAYMAN PROPERTIES PTY LTD</p>
<p>Kragtens Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die volgende aansoeke van toepassing op Erf 1019, Sandbaai (die eiendom), naamlik:</p> <p>Opheffing van Beperkende Titelaktevoorwaardes Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaardes A(II)(a), A(II)(c), en A(II)(d) soos vervat in Titelakte T82654/2024 van die eindom, om die eiendom vir besigheidsdoeleindes aan te wend.</p> <p>Hersonering Aansoek ingevolge Artikel 16(2)(a) van die Verordening vir die hersonering van die eiendom vanaf Residensiële Sone 1: Enkelwoonsone na Sakesone 3: Plaaslike Sakesone.</p> <p>Afwyking Aansoek om afwyking ingevolge Artikel 16(2)(b) van die Verordening vir die volgende:</p> <ul style="list-style-type: none"> verslapping van die noordelike syboullyn vanaf 3m na 2m om bestaande motorhuis te akkommodeer, verslapping van die suidelike syboullyn vanaf 3m na 2m om die bestaande struktuur te akkommodeer, en die verslapping van die agter boulyn vanaf 3m na 0m om die voorgestelde motorhuisverlenging wat die maksimum breedte van 6.5m tot 8.7m oorskry te akkommodeer. <p>Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus.</p> <p>Enige kommentaar moet skriftelik wees in ooreenstemming met Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) alida@overstrand.gov.za) bereik voor of op Vrydag, 02 May 2025 met u naam, adres en kontakbesonderhede, belang in die aansoek, asook die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Stadsbeplanner, Mr. B. Minnaar by 028-3138900. Die Munisipaliteit mag weier om kommentare wat na die sluitingsdatum ontvang word, te aanvaar. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.</p> <p>Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, HERMANUS, 7200</p> <p>Munisipale Kennisgewing Nr. 56/2025</p>	<p>Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of the following applications, applicable to Erf 1019, Sandbaai (the property), namely:</p> <p>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 A(II)(a), A(II)(c), and A(II)(d) as contained in Title Deed T82654/2024 of the property, to utilize the property for business purposes.</p> <p>Rezoning Application in terms of Section 16(2)(a) of the By-Law for the rezoning of the property from Residential Zone 1: Single Residential to Business Zone 3: Local Business.</p> <p>Departure Application for departure in terms of Section 16(2)(b) of the By-Law for the following:</p> <ul style="list-style-type: none"> relaxation of the northern side building line from 3m to 2m to accommodate the existing garage, relaxation of the southern side building line from 3m to 2m to accommodate the existing structure, and the relaxation of the rear building line from 3m to 0m to accommodate the proposed garage extension that exceeds the maximum width from 6.5m to 8.7m. <p>Details regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning at 16 Paterson Street, Hermanus.</p> <p>Any comments must be in writing in accordance with Sections 51 and 52 of the By-Law to reach the Municipality (16 Paterson Street, Hermanus / (e) alida@overstrand.gov.za) on or before Friday, 02 May 2025 quoting your name, address and contact details, interest in the application, as well as the reasons for comment. Telephonic enquiries can be made to the Town Planner, Mr. B. Minnaar at 028-313 8900. The Municipality may refuse to accept comments 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 comment.</p> <p>Municipal Manager, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200</p> <p>Municipal Notice No. 56/2025</p>	<p>Kukhutshwa isaziso ngokumayela neCandelo 47 nele 48 loMthetho Otshintshiweyo woMasipala waseOverstrand ongokuSetyenziswa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala), ukuba kufunyenwe isicelo esimayela neSiza 1019, Sandbaai (ipropati) ukuze kwenziwe ezi zinto zilandelayo:</p> <p>Ukususwa kweMiqathango yeSivumelwano soBunini esiThintelweyo Isicelo ngokuhambelana neCandelo le-16(2)(f) loMthetho kaMasipala sokuswa imiqathango yesithintelo setayitile yobunini A(II)(a), A(II)(c), kunye A(II)(d) njengoko iqulethwe kwiSivumelwano soBuninimhlaba esinguNombolo T82654/2024 ukusebenzisa ipropati ngeenjongo zoshishino.</p> <p>Ukucandwa ngokutsha Isicelo ngokweCandelo le-16 (2) (a) loMthetho kaMasipala wocando ngokutsha lwepropati ukusuka kuMmandla wokuHlala woku-1: Indawo yokuhlala eNye ukuya kuMmandla woShishino wesi-3: uShishino lweNgingqi.</p> <p>Ukutenxa ngokuhambelana Isicelo sokutenxa ngokusesikweni ngokwemigaqo yeCandelo 16(2)(b) loMthetho kaMasipala koku kulandelayo:</p> <ul style="list-style-type: none"> ukuphumla komgca wesakhiwo wecala elingasentla ukusuka kwi-3m ukuya kwi-2m ukulungiselela igaraji ekhoyo, ukuphumla komgca wesakhiwo osemazantsi ukusuka kwi-3m ukuya kwi-2m ukulungiselela isakhiwo esikhoyo, kunye ne ukuphumla komgca wesakhiwo ongasemva ukusuka kwi-3m ukuya kwi-0m ukulungiselela ukwandiswa kwegaraji ecetywayo edlula ububanzi obukhulu ukusuka kwi-6.5m ukuya kwi-8.7m. <p>Linkcukacha ngesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxesha eveki phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: Zicwangiso ngeDolophu kwa-16 Paterson Street, Hermanus.</p> <p>Nawaphi na amagqabantshintshi kufuneka abhalwe ngokungqinelana neCandelo lama-51 nelama-52 loMthetho kaMasipala ukuze afikelele kuMasipala (16 Paterson Street, Hermanus / (e) alida@overstrand.gov.za) ngoLwesihlanu okanye ngaphambi kwalo, 02 eyoKwindla 2025 ucapuhla igama lakho, idilesi kunye neenkukacha zohqagamshelwano, umdla kwisicelo, kunye nezizathu zokuphawula. Imibuzo yomnxeba inokwenziwa kuMchwangcisi weDolophu, uMnu. B. Minnaar ngo-028-313 8900. UMasipala usenokwala ukwamkela izimvo azifumeneyo emva komhla wokuvala. Nawuphi na umntu ongakwaziyo ukufunda nokubhala angatyelela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kubancedisa ukuze benze izimvo zabo zibe sesikweni.</p> <p>UMphathi kaMasipala, uMasipala waseOverstrand, P.O. Ibhokisi 20, HERMANUS, 7200</p> <p>Inombolo yesaziso No. 56/2025</p>

1. Locality Plan Erf 1019 - Sandbaai

Plan prepared by: Thian Jansen
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Unit B, Standard House,
Corner of Royal and Dirkie Uys
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1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
BY-LAW	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
LUPA	Western Cape Land Use Planning Act, 2014.
OMSDF	Overstrand Municipality Spatial Development Framework, 2020
B3	Business Zone 3: Local Business
GLA	Gross Leasable Area

2. PROPERTY DETAILS

Erf Number	Erf 1019 Sandbaai
Extent	696m ²
Zoning	Residential Zone 1: Single Residential

3. BACKGROUND AND INTENT

The subject property, Erf 1019 Sandbaai, occupies a distinctive location on the Main Road in Sandbaai, surrounded by a mix of business- and residential properties (refer to **Plan 1 - Locality Plan**).

Due to its favourable position, the property presents an excellent opportunity for rezoning, as it is situated within the demarcated business node of Sandbaai. Therefore, the proposed rezoning aligns with the future development proposals envisioned by the OMSDF. The current owners have recently acquired the property and intend to use it as offices for their legal firm. WRAP Project Office has been appointed to submit the land use application on behalf of the future owners, with the current owners providing their consent (refer to **Annexure A - Power of Attorney**).

The owners are also proposing demolishing a section of the existing structures present on site to be able to accommodate the driveway and parking area at the rear of the property. The proposal is however restricted by a title deed condition limiting the property's use to residential purposes, which does not align with the intended use. Therefore, the removal of this restrictive title deed condition is necessary.

To achieve the owner's intent, approval of the following applications is required:

- Removal of restrictive title deed conditions;
- Rezoning the property from residential to business; and
- Permanent departures.



4. PROCEDURE TO ACHIEVE THE DEVELOPERS' INTENT

WRAP compiled this report to ensure the owners' vision is achieved. The following is proposed:

4.1 Removal of restrictive title deed conditions to accommodate the future use.

Three title deed conditions currently prohibit the land use rights necessary for the proposed development. The rationale for removing these conditions is outlined below:

Restrictive Title Deed Condition
<i>Condition A (II) (a) – “That the above erf or erven be used for residential purposes only.”</i>

The aforementioned condition prevents the approval of the proposed rezoning. It is important to note that the property is located within a designated business node, making this condition inconsistent with the area's future development framework.

Restrictive Title Deed Condition
<i>Condition A(II)(c) – “That not more than one dwelling together with the necessary outbuildings and accessories be erected on any one of the above erven and that more than one-half the area of any one of the above erven be built upon.”</i>

Restrictive Title Deed Condition
<i>Condition A(II) (d) – “That no building shall be erected on the above erf or erven within 4,72 metres of any boundary line between the said erf or erven and any street, road or avenue on which such erf or erven abuts; such space may be used as gardens but shall not be built upon.”</i>

The owners will be using the front portion of property for more than gardening, which requires the removal of the restrictive title deed condition. The rationale for the removal of the restrictive title deed conditions is to enable the owners to achieve their intent highlighted in Section 3 of this report. The reasoning for the removal of these restrictive title deed conditions will be discussed in detail in Section 7 of this report.

4.2 Rezoning of Erf 1019 Sandbaai from Residential Zone 1: Single Residential to Business Zone 3: Local Business

The proposal seeks to rezone the property to a Business Zone, enabling the owners to utilise it as offices and operate their business on-site. The primary and consent use rights (once approved) under Business Zone 3: Local Business zoning will allow the property to be developed as envisioned. Refer to Figure 1 (on the following page) for a 3-dimensional representation of the envisioned property renovations.

The proposed legal practice will operate strictly within standard business hours, which is particularly favourable in a residential area. During the day, when most residents are away at work or school, the office will bring minimal disruption to the surrounding properties. This limited use reduces the likelihood of noise, traffic, or other disturbances typically associated with businesses operating beyond regular hours.

Additionally, the absence of evening or weekend operations ensures that the residential character of the area remains undisturbed during peak times when residents return home. By aligning business hours with the natural vacancy of neighbouring properties, the legal practice will seamlessly integrate into the community, contributing to a dynamic yet harmonious use of the space. This arrangement promotes an optimal balance between economic development and residential tranquillity.



Figure 1: Draft 3D of the existing structure being renovated

The proposed use of the subject property as a legal practice can be classified as use for office purposes which is defined by OMLUS as: ‘means property used for conducting an enterprise primarily concerned with **administrative, clerical, financial or professional duties** and includes medical consulting rooms.’ Uses of the area inside the legal offices:

Ground floor

Reception & Waiting Area	Waiting area for clients
Open Office Space	Desk space for legal staff
3 x Offices	Office space
Board Room	Office space
Bathroom	Staff and client use
Kitchen	Staff use

First floor

Open Office Space	Desk space for legal staff
2 x Offices	Office space
Bathroom	Staff and client use
Kitchen	Staff use

Refer to **Plan 4 – for the Site Plan & Annexure C – Architect Draft Floor Layout Plans**



Parking for the business area is located at the rear of the property. The parking requirements according to the OMLUS are as follow:

Offices	Four bays per 100m ² Gross Leasable Area (GLA)
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Taking the above into account, each 100m² of GLA requires 4 parking bays. The proposed GLA is approximately 189m² and therefore, 7,6 (8) parking bays are required.

The proposal includes the provision of eight parking bays, meeting the requirements as calculated above. Mixed-use developments offer numerous benefits that enhance both the area and its community.

Firstly, these developments create a vibrant and dynamic urban environment by integrating residential and commercial spaces within a single location. This diversity of land use encourages pedestrian activity, reduces dependence on private vehicles, and promotes a walkable, socially engaged neighbourhood. By fostering greater interaction among residents, workers, and visitors, mixed-use developments contribute to a sense of community and vitality, making the area more attractive and sustainable.

From an economic perspective, mixed-use developments can act as catalysts for local economic growth by attracting businesses, residents, and visitors. The inclusion of commercial spaces, such as offices, generates foot traffic that supports local businesses and creates job opportunities. This economic vitality benefits not only the immediate area but also has a ripple effect, positively influencing surrounding neighbourhoods and businesses.

Additionally, mixed-use developments promote sustainability and environmental consciousness. By consolidating various activities within a single area, they reduce the need for long commutes, thus minimising traffic congestion and lowering carbon emissions. These developments often incorporate sustainable design features such as green spaces, energy-efficient buildings, and alternative transportation options, contributing to overall environmental health and resilience.

From a social standpoint, mixed-use developments foster a strong sense of community and connectivity. The co-existence of residential and commercial spaces encourages daily interaction among residents, workers, and visitors, creating a diverse, vibrant, and inclusive environment that enhances the overall quality of life.

4.3 Permanent Departure from the 3m southern side building line to 2m to accommodate the existing structure.

4.4 Permanent Departure from the 3m northern side building line to 2m to accommodate the existing garage.

The existing dwelling unit and garage was historically approved and constructed in its current position. However, the proposed zoning introduces more restrictive building line requirements than the current zoning, necessitating a departure application. This requirement arises as a result of the proposed zoning. In terms of the OMLUS Business Zone

3: Local Business zoning, where the property abuts any other zoning, the side and rear building lines are 3 metres. As shown on the status quo zoning plan annexed as **Plan 2**, the subject property adjoins Residential Zone 1 properties on both sides, meaning the side and rear building lines must comply with the 3-metre requirement.

The existing buildings encroaches on the southern and northern building lines, which is required to be addressed. The areas within the house were originally approved as bedrooms, and the proposal is to convert them into offices. As previously mentioned, the proposed office use is not expected to negatively impact the surrounding area and is unlikely to generate noise, ensuring compatibility with the residential character of the neighbourhood.

The area of the dwelling that encroaches on the southern side building line is illustrated in *Figure 2 & 3* below. It is evident that no additions are being proposed; the only change involves the conversion of the existing space to office use, with minor alterations aimed at enhancing the overall look and feel of the office.

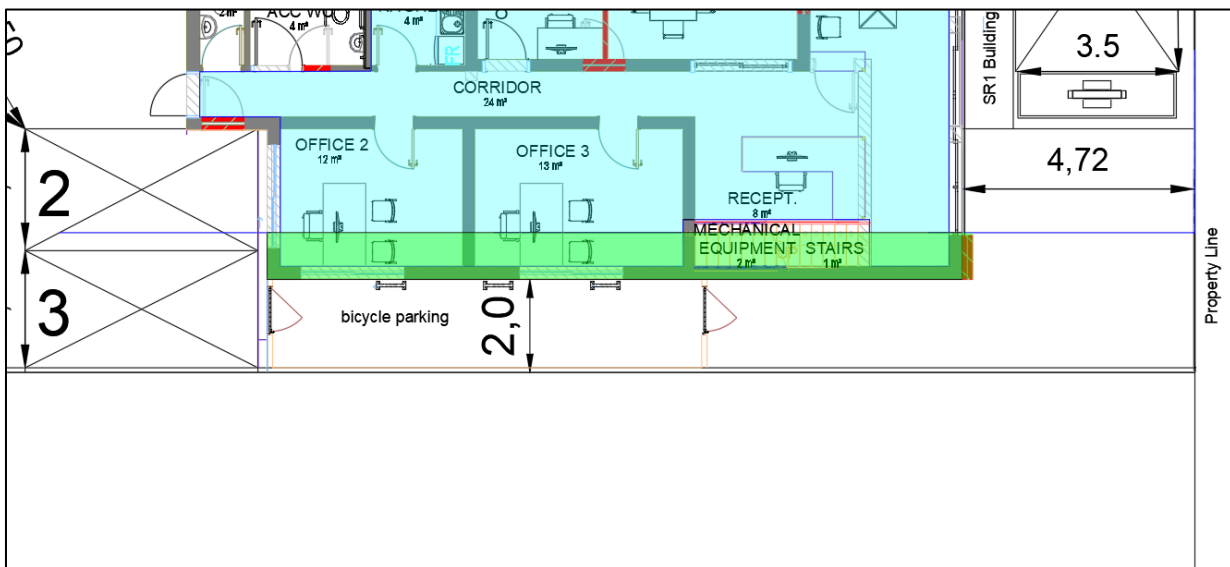


Figure 2: Southern building line encroachment area

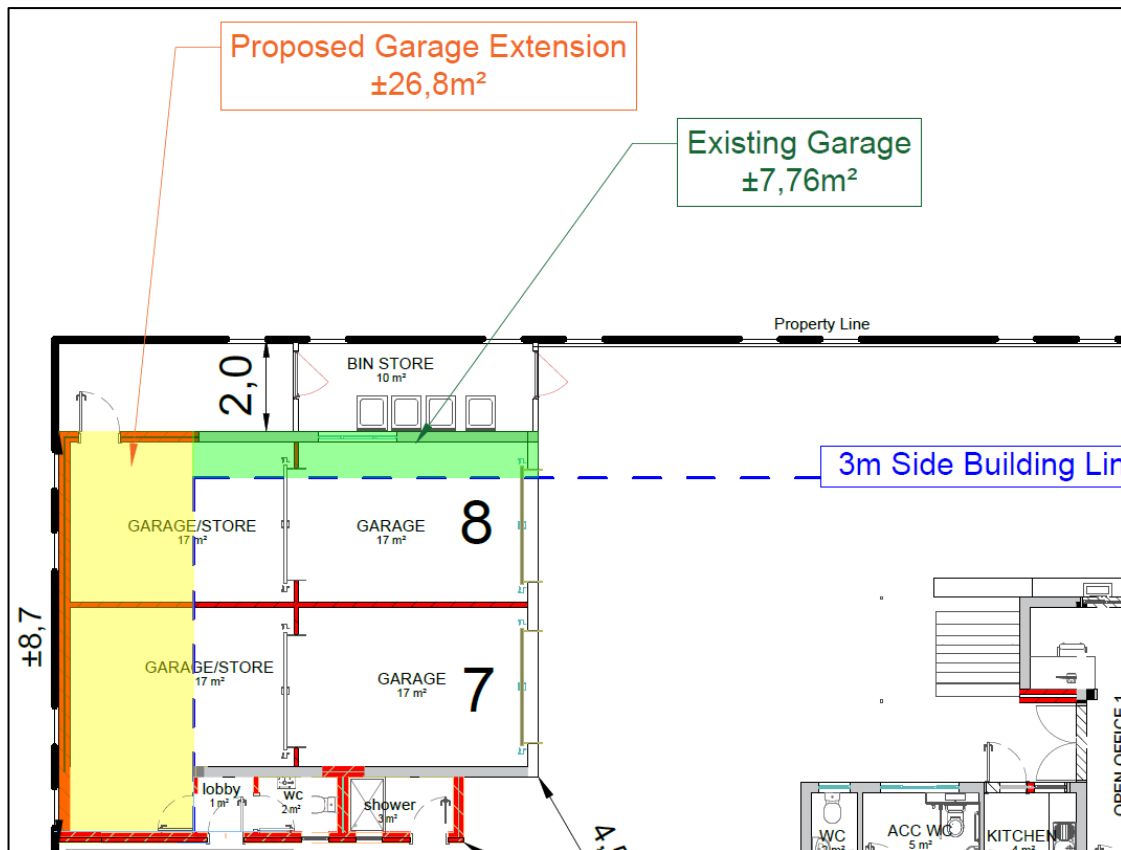


Figure 3: Northern building line encroachment area

Requiring the partial demolition of a double-storey structure due to the more restrictive building lines of the proposed zoning would be unfeasible. Therefore, the encroaching areas will be preserved in their current state. While the existing buildings comply with the current residential zoning regulations, the proposed rezoning requires a departure from the new development parameters for B3 zoning.

It is thus motivated that the approval of this application will not negatively impact the built environment of Sandbaai. The proposed use remains consistent with the urban character of the area and is in keeping with the overall development context.

4.5 Permanent Departure from the 3m rear building line to 0m to accommodate the proposed garage extension **that exceeds the maximum width from 6,5m to 8,7m.**

The current property features a garage located at the rear. The owners envision expanding the garage by extending it further at the back of the property up to the boundary line. This extension is proposed to accommodate additional space for the storage of administrative materials or motor vehicles, depending on future needs. Refer to figure 3 for a visual illustration.

The proposed extension of the garage is a common alteration and is not anticipated to pose any problems. The nature of the extension, focused on providing additional storage space for administrative materials or motor vehicles, does not involve activities that would generate significant noise or disturbances. Given that the extension is located at the rear of the property, it will have minimal impact on the surrounding area. Additionally,



the use of the space will be consistent with the general residential and commercial nature of the locality, ensuring that the extension does not detract from the area's character or functionality.

Generally, a garage is a structure primarily designated for housing vehicles and is typically permitted within the building line according to OMLUS, Section 16.1.1. This section outlines specific conditions that must be adhered to, as indicated below:

(i) written consent from the immediate neighbours is obtained;	Consent was not attempted to be obtained as an application is necessary and the departure for the garage was included.
(ii) no building that encroaches the building line may be higher than 3,5 m above the existing ground level on the common boundary, provided that the height may increase at a 40-degree angle away from such boundary;	Comply , the garage will have a flat roof. The garage will comply with the allowable 3,5m restriction.
(iii) the length and width of the structure does not exceed one third of the lateral and rear boundary concerned or 9,0 m, whichever is the most restrictive (except in cases as prescribed in point (iv) below);	Comply , the garage encroaching the building line will have an externally 8,7m.
(iv) where the lateral/rear boundary of the property is less than 19,5 m in width, the structure will have a maximum width of 6,5 m on the rear boundary;	Not compliant , the garage has a length of 8,7m while the boundary of the property is ±18,4m in length.
(v) no doors and windows shall be permitted in any wall closer than 1,0 m to the rear or side boundary;	There is a door proposed closer than 1,0m from the boundary.
(vi) a 1,0 m wide access may be required to the satisfaction of the Fire Department;	Comply , there is a 2,0m wide access to the rear of the property on either side of the garage.
(vii) no runoff of rainwater from a roof shall be discharged directly onto adjoining properties;	Comply , no runoff of rainwater will be able to discharge onto the adjoining property.
(viii) the garage/carport shall be included in the calculation of coverage on the land unit; and	Comply .
(ix) the Municipality is satisfied that the structure does not pose a fire hazard and is constructed of appropriate material to its satisfaction.	The application will be circulated to the municipal fire department for comment.

5. LAND USE ENVIRONMENT

The surrounding area of the subject property may be considered as a mixed-use area as depicted in **Plan 2** (Status Quo Zoning Plan), showcasing various types of land uses coexisting within the area where the subject property is situated.



This indicates that the proposal for a B3 zoning within the area would align with the existing character, considering that the subject property is situated within the Sandbaai Development node as outlined in the MSDF. For a detailed in-depth review of how the application aligns with regulating policies, refer to Section 10 of this report.

6. TITLE DEED

Title deed restriction

Condition A (II)(a) – *“That the above erf or erven be used for residential purposes only.”*

Condition A (II)(c) – *“That not more than one dwelling together with the necessary outbuildings and accessories be erected on any one of the above erven and that more than one-half the area of any one of the above erven be built upon.”*

Condition A (II)(d) – *“That no building shall be erected on the above erf or erven within 4,72 metres of any boundary line between the said erf or erven and any street, road or avenue on which such erf or erven abuts; such space may be used as gardens but shall not built upon”*

Motivation

The rationale for the proposed removal

The subject property was used for residential purposes of a single-family. The property has seen a shift in owners' intent towards a scale and nature of use that exceeds current zoning regulations. The sought-after business use is incongruent with the existing condition, necessitating its removal.

The proposed business use exceeds the parameters permitted by the current zoning regulations for the subject property. Consequently, it contradicts the existing condition outlined in the title deed. Therefore, to align with the intended business activity and the evolving nature of property use, it is necessary to remove these restrictive conditions.

Furthermore, the latter part of the condition (d) stipulates that no more than half of the area of any given erf may be built upon. The zoning regulations outlined in the OMLUS however permit a coverage of up to 75% for properties zoned as B3. Therefore, adherence to this condition would impede any future development on the property that conforms to the zoning guidelines. Hence, the removal of this condition is imperative to enable future development in accordance with the permissible coverage set by the zoning regulations.

Title deed condition background

The title deed condition was initially aimed to preserve the residential character of Sandbaai for residential purposes of a single-family. This title deed condition was formulated in a period of low population growth and to maintain a low-density residential environment. The cap on residential use for a single-family was intended to protect this character.



Current development trend

The current trend in Sandbaai, as depicted in **Plan 2**, portrays a shift towards mixed-use development, particularly in the central area designated as a development node. This evolving land use trend accommodates businesses along Main Road, subject to appropriate land use approvals. The once-relevant residential-only condition, conceived in 1957, now conflicts with the contemporary reality of Sandbaai's dynamic blend of residential and commercial uses, rendering it outdated.

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

LUPA, Section 39(5) (a-f)	
<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 these restrictive title deed conditions.
<i>(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;</i>	No person is personally benefitting from this condition as this condition is only restricting the 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 owners will be gaining from the removal of the restrictive conditions as it will allow them to rezone the property and operate their business from the property.
<i>(d) the social benefit of the restrictive condition remaining in place in its existing form; (e) the social benefit of the removal, suspension or amendment of the restrictive condition; and</i>	These restrictive conditions do not provide social benefits.
<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 these conditions, and no person or entity will be affected if this is removed.

7. ZONING

The proposal requires the zoning to be Business Zone 3: Local Business. Therefore, the following zoning parameters were assessed in conjunction with the B3 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (a) of the OM By-Law:



BUSINESS ZONE 3: LOCAL BUSINESS (B3)			
Land Use Restrictions			
	Parameters	Proposal	Comply/ deviate
Primary use	Shops, Dwelling Unit (above ground floor) in accordance with 6.3.2, Flats (above ground floor), Offices , Restaurant, Caretaker's Accommodation and Self-Catering.	Offices	Applied for and motivated
Consent uses which may be applied for	Bottle Store, Business Premises, Clinic, Conference Facility, Dwelling Unit (on ground floor) in accordance with 6.3.2, Flats (On Ground Floor), Town Housing in accordance with 6.3.2, Tourist Accommodation, Hotel, Institution, Place of Assembly, Place of Entertainment, Place of Instruction, Place of Worship, Recreational Facilities, Residential Building, Sale of Alcoholic Beverages, Service Station, Service Trade and Transmission Apparatus (subject to the provisions of chapter 16.10).	-	-
Coverage	The maximum coverage for all buildings on the land unit is 75% .	±39,11%	Comply
Floor Factor	The maximum floor factor is 1.5.	0,45	Comply
Height	<ul style="list-style-type: none"> i. The maximum height of a building, measured from the base level to the top of the structure, is 8,5 m. ii. The maximum number of storeys is 2. 	<ul style="list-style-type: none"> i. Comply ii. 2 Storey 	Comply
Setback	<ul style="list-style-type: none"> i. The Municipality may require that all buildings and structures on the property are set back at least 6,5 m from the centre line of the street. ii. Where special circumstances exist, the Municipality may require a greater setback. 	<ul style="list-style-type: none"> i. Comply, the existing structure is set back at ±12,6m. ii. This is noted 	Comply



MOTIVATION

Building Lines	<ul style="list-style-type: none"> i. The street building line is 0 m, provided that a 5,0 m building line applies where fuel pumps are erected; ii. The side building line is 0 m, provided that where any Business Zone 3 abuts another zone, the side building line is 3,0m; iii. The rear building line is 3,0 m, provided that where any Business Zone 3 abuts another zone, the rear building line is 3,0m; and iv. Provided that the Municipality may require more restrictive building lines in the interests of public health or safety or the environment or in order to enforce any applicable law or right. 	<ul style="list-style-type: none"> i. No fuel pumps are proposed. ii. Permanent Departure from the northern side building line from 3,0m to 2m to accommodate the existing garage. Permanent Departure from the southern side building line from 3,0m to 2m to accommodate the existing structure. iii. Permanent Departure from the rear side building line from 3,0m to 0m to accommodate the proposed garage extension. iv. Noted 	<ul style="list-style-type: none"> i. Comply ii. Motivated and applied. iii. Comply iv. Comply
Window and door placement	<ul style="list-style-type: none"> i. Where a 0 m building line applies and where a wall of a building is erected 1,0 m or less from the side or rear building line, no door or window shall be permitted in the wall concerned. ii. Any portion of the building which contains a door or window onto a side or rear boundary shall be at least 1,5 m away from such boundary. 	<ul style="list-style-type: none"> i. Comply ii. Comply 	<p>Comply</p>
Parking and access	<p>According to section 17.1 of the OMLUS: Four bays per 100m² GLA are required.</p>	<p>GLA = 189m² 1,89 x 4 = 7,5 (8) Parking Bays 8 Parking bays required & 8 Parking bays provided The parking layout was discussed and amended in agreement with the Overstrand Engineering Department.</p>	<p>Comply</p>
Loading Bays	<p>The minimum off-street loading must be provided to the satisfaction of the Engineering Department.</p>	<p>Noted.</p>	<p>Comply</p>



8. SERVICES

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

8.1 Electricity, Water and Solid Waste

The subject property is connected to the existing networks in the area, which include electricity, water and sewage. The proposal of this application is not anticipated to impact on existing services.

8.2 Access, egress, and parking

Vehicular access and egress to the subject property is gained from Main Road, and the approval and execution of this application will not result in any changes to this existing vehicular access and egress.

9. 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 application arose from the vision of the owners to be able to unlock the maximum value of the property.

Socio-economic impact	<p>Business properties stimulate economic growth by generating employment opportunities. With the establishment of the legal practice on the subject property, job opportunities are created, contributing to the local economy. The creation of jobs enhances household incomes and boosts consumer spending, further driving economic growth and prosperity within the region.</p> <p>This increased economic activity leads to higher property values and attracts more investment and development, ultimately benefiting OM through higher property taxes and potentially increasing wealth for property owners.</p>
Compatibility with surrounding uses	The proposal is deemed to be consistent with the character of the surrounding area as illustrated in Plan 3 (Proposed Zoning Plan).
Impact on the external engineering services	<p>Refer to <i>Section 8</i> of this report.</p> <p>The Overstrand Municipality's Engineering Department will review the application to ensure that service capacities are adequate.</p>
Impact on safety, health and wellbeing of the surrounding community	It is not predicted that the proposal will have a negative impact on the safety, health, and well-being of the surrounding community.
Impact on heritage	The property is not listed in the OM Heritage Register.



MOTIVATION

Impact on the biophysical environment	The property is located within an established urban area and is therefore not predicted that the proposal will have an impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	The proposal will have sufficient parking, as indicated throughout the application. The proposed use is not expected to have a large impact on traffic, as the expected traffic generation is not substantial due to the nature of the offices.

Impact on views, sunlight and character of the area

No major physical changes to the outside of the existing building are proposed, except for the removal of the existing lean-to carport to create a clear driveway to the rear of the property. The inside of the building is set to be altered to accommodate the new use. The current building as indicated in *Section 4* above proves that the subject site complies with the proposed zoning's development parameters.

All structures on the subject property are existing and are not impeding on the views, sunlight and character of the surrounding area.

Economic impact

The current residential use has no economic impact on the surrounding area, but the proposed development would allow the subject property to add economic value.

The proposed development would continue to provide several employment opportunities, which include:

- 1 Receptionist;
- Attorneys;
- Admin Workers; and
- Cleaners.

The proposed development of the subject property will stimulate further economic growth within the surrounding area and ensure Sandbaai makes an economic contribution to the greater Hermanus area.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or forgoing valued land use rights of interested and affected parties when an application is approved. The proposed use of the subject property is not predicted to adversely affect the surrounding area as the use proposed is not a use that emanates a lot of noise or any noxious trades.

Environmental impact

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



10. POLICIES AND REGULATIONS

10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The property is not located within the EMOZ.

10.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The property is located not located within the HPOZ.

10.3 Spatial Planning Policies

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

PSDF

The PSDF (Provincial Spatial Development Framework) is the result of a collaborative effort between various provincial departments, government entities, the private sector, academia, and non-governmental organisations, all guided by an inter-departmental steering committee. This broad participatory process has fostered a shared spatial vision that aims to guide spatial development patterns across both urban and rural areas of the province.

Economic development is a key focus throughout the PSDF, recognised as essential for ensuring the provincial economy has a significant impact on the national economy. The ongoing growth of the provincial economy highlights the need to stimulate economic activity at lower levels of government. This application, which seeks to allow business use, aligns with the broader vision to add value to the Sandbaai area, thereby positively impacting the Overstrand Municipality. In this context, the application is consistent with the PSDF's emphasis on promoting economic activity, contributing to the region's development goals.

MSDF

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

To ensure compliance with the principles and objectives set out by the PSDF and the National Development Plan, the MSDF was synthesised through the influence of these policies and frameworks. Ensuring economic development take place in the OM would ensure sustainable growth of the municipal area.

The area where the subject property is located, falls within a Business/Community Node (N4) as identified within the MSDF's 2050 Vision: Greater Hermanus (West). It states that business uses, commercial, retail and offices should be concentrated within demarcated business areas as far as possible. Refer to *Figure 4* (on the following page) for a visual illustration of the business/community node and a visual representation where the subject property is located.



Figure 4: Business/Community Node (N4)

The subject property is located within the demarcated business area and the proposed rezoning is therefore in line with the future development proposals envisioned by the MSDF.

Overstrand Municipal Growth Management Strategy, 2010

Although repealed, the Overstrand Municipal Growth Management Strategy is used as a guideline document to the municipality. The subject property is located within Planning Unit 7, refer to Figure 5. The property is located in an area earmarked for “Economic Opportunity (Local)”, which fits into the proposal to rezone the property to a business erf.

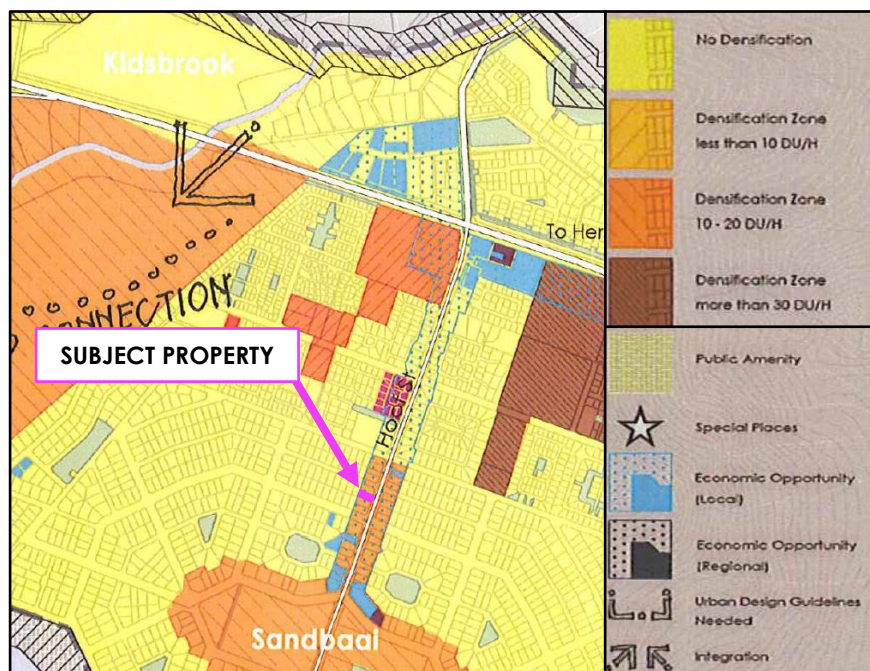


Figure 5: Extract of the OMGMS



11. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided. 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 a business property would encourage economic growth that in turn could employ less fortunate and not add to the perpetuate apartheid spatial development imbalances.

Spatial sustainability and Efficiency

Spatial sustainability refers to planning proposals which result in communities that are viable. This proposal is intended to increase the economic power of the Sandbaai area in the OM, this will aid that the Sandbaai area is staying in contact with the ever-changing urban character of the greater Hermanus area.

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 reputation for conducting effective public participation as part of its land use planning process. This process is an essential component of land use planning, as it allows people who may be affected by the development to provide feedback and raise any concerns or suggestions for improvement. This ensures that the development is in line with the needs and desires of the community.

All comments and feedback received during the public participation process will be carefully reviewed and considered by the relevant authorities. Any issues or concerns raised will be addressed, and suggestions for improvement will be considered where possible. This approach ensures that the final outcome benefits both the community and the developers.



EVALUATION AND RECOMMENDATION

12. EVALUATION

The owners have appointed WRAP Project Office to assist with the proposed application to allow the "highest and best use" of the property, in accordance with the relevant policies, legislation, and development parameters of the proposed zoning.

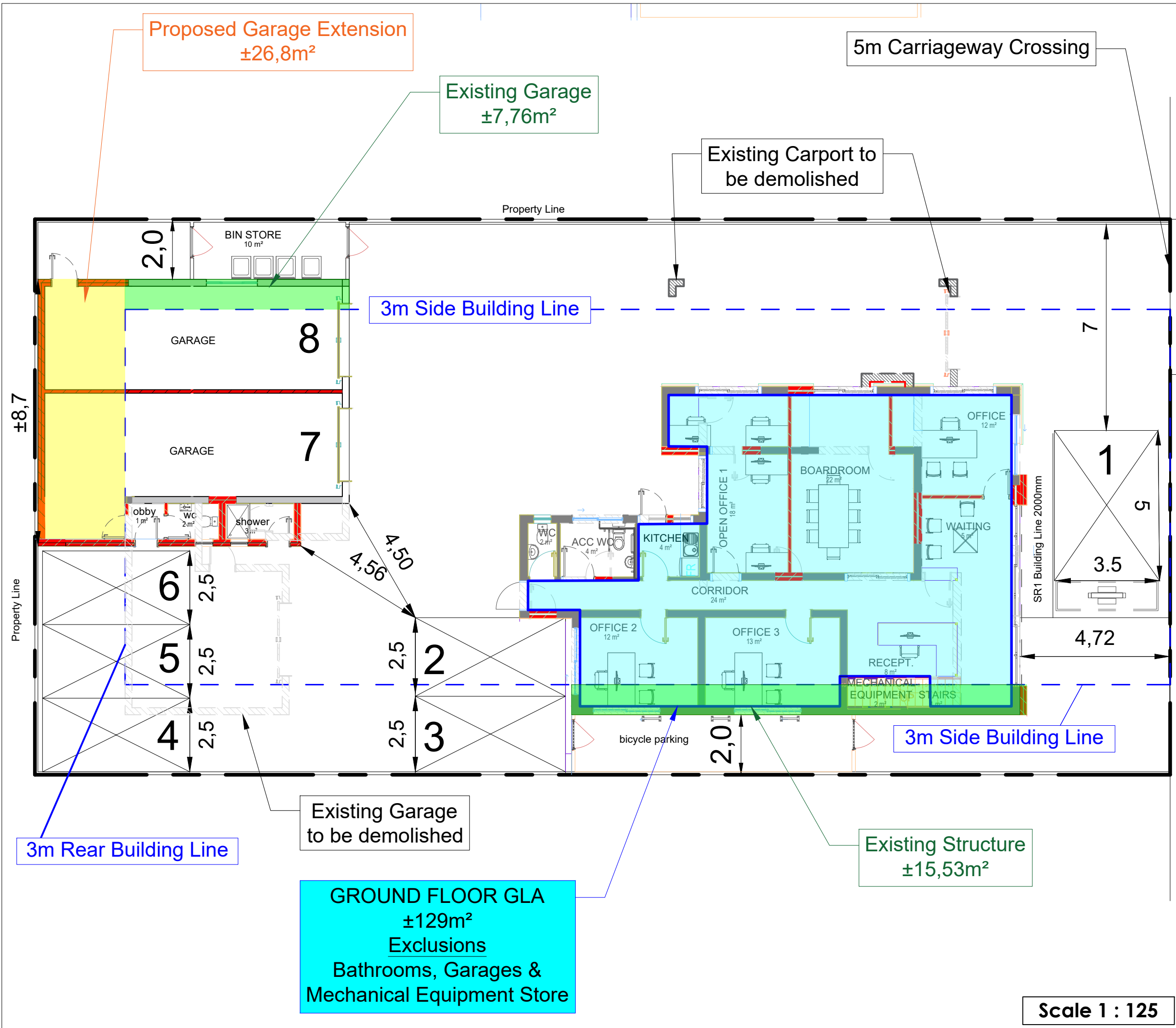
In accordance with the OMSDF, the area is identified as a business node intended to accommodate smaller, localized businesses, which aligns with the purpose of this proposal. Additionally, the proposed land use is in keeping with the surrounding area and is not considered undesirable. The development aims to preserve the character of the area and is not expected to obstruct views or sunlight.

In conclusion, the proposed development is a feasible option that aligns with the policies and legislation of the Overstrand Municipality. The owners have taken the necessary steps to ensure the proposal is planned and executed sustainably, and it is anticipated that the owners' vision will make a positive contribution to the local economy.

13. RECOMMENDATION

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

- 13.1 Removal of restrictive title deed conditions** to accommodate the proposed rezoning in terms of Section 16(2)(f) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.2 Rezoning** of Erf 1019 Sandbaai from Residential Zone 1: Single Residential to Business Zone 3: Local Business in terms of Section 16(2)(a) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.3 Permanent Departure** from the 3m southern side building line to 2m to accommodate the existing structure in terms of Section 16(2)(b) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.4 Permanent Departure** from the 3m rear building line to 0m to accommodate the proposed garage extension that exceeds the maximum width from 6,5m to 8,7m in terms of Section 16(2)(b) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.5 Permanent Departure** from the 3m rear building line to 0m to accommodate the proposed garage extension in terms of Section 16(2)(b) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020.



Proposed Garage Extension
±26,8m²

Existing Garage
±7,76m²

5m Carriageway Crossing

Existing Carport to
be demolished

3m Side Building Line

±8,7

Property Line

Existing Garage
to be demolished

**GROUND FLOOR GLA
±129m²
Exclusions
Bathrooms, Garages &
Mechanical Equipment Store**

3m Rear Building Line

Existing Structure
±15,53m²

3m Side Building Line

Scale 1 : 125

4.1 Site Plan
Ground Floor
Erf 1019 - Sandbaai

Extent - 696m²

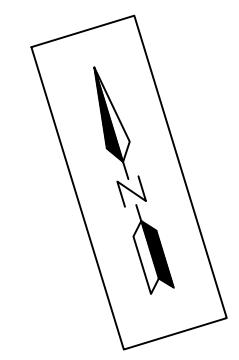
Coverage - 39,11%

GLA - ±189m²

Proposed Parking

GLA - 189m² =
8 Parking Bays Required

Total Parking Bays provided = 8



Plan prepared by: Thian Jansen on 24/02/2025
Based on plans by Neel Saayman Architects

All distances are approximate
and subject to a survey

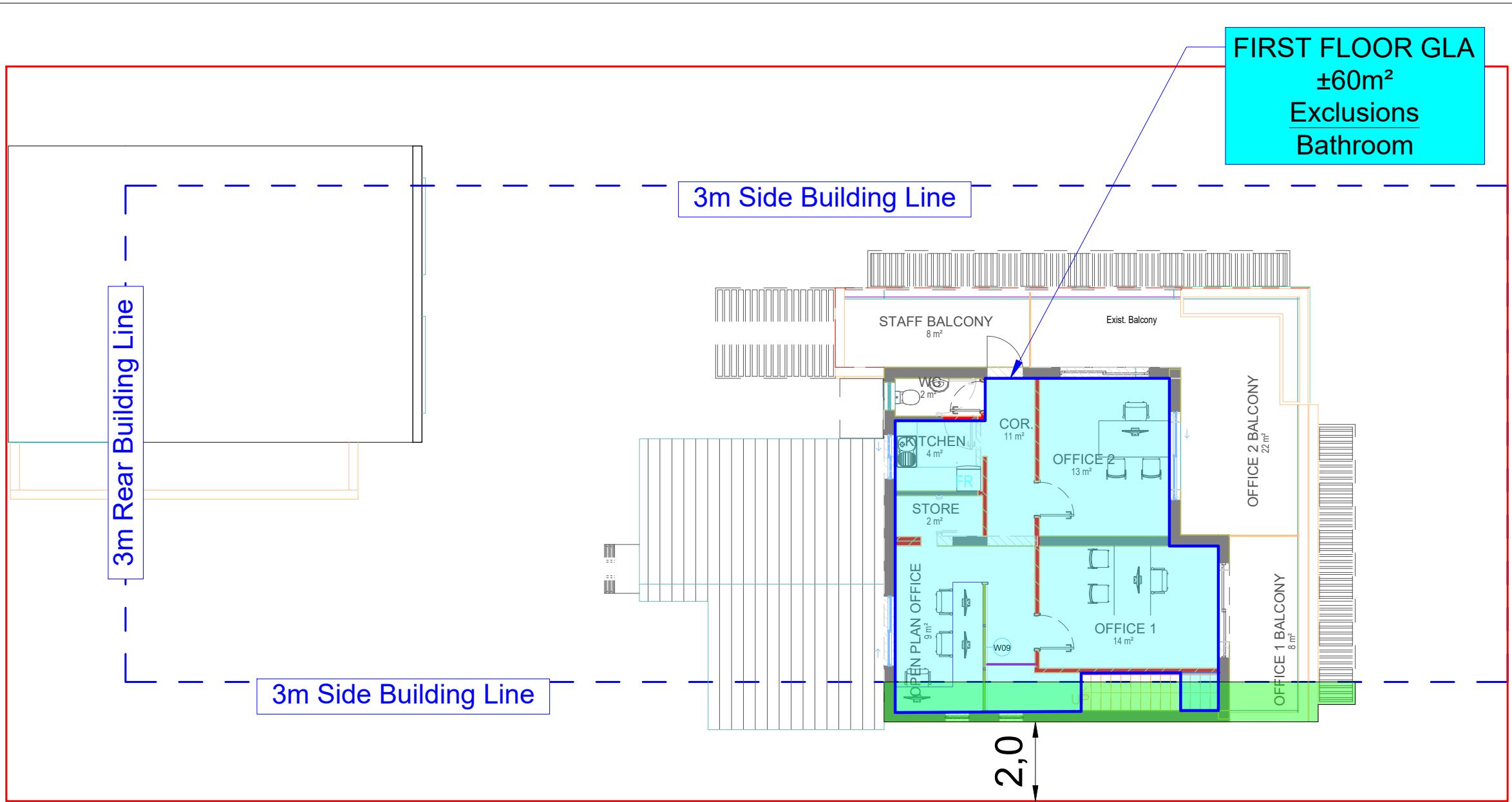
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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Street Hermanus, 7200



Project Office
Town Planning & Project Management



FIRST FLOOR GLA
 $\pm 60\text{m}^2$
 Exclusions
 Bathroom

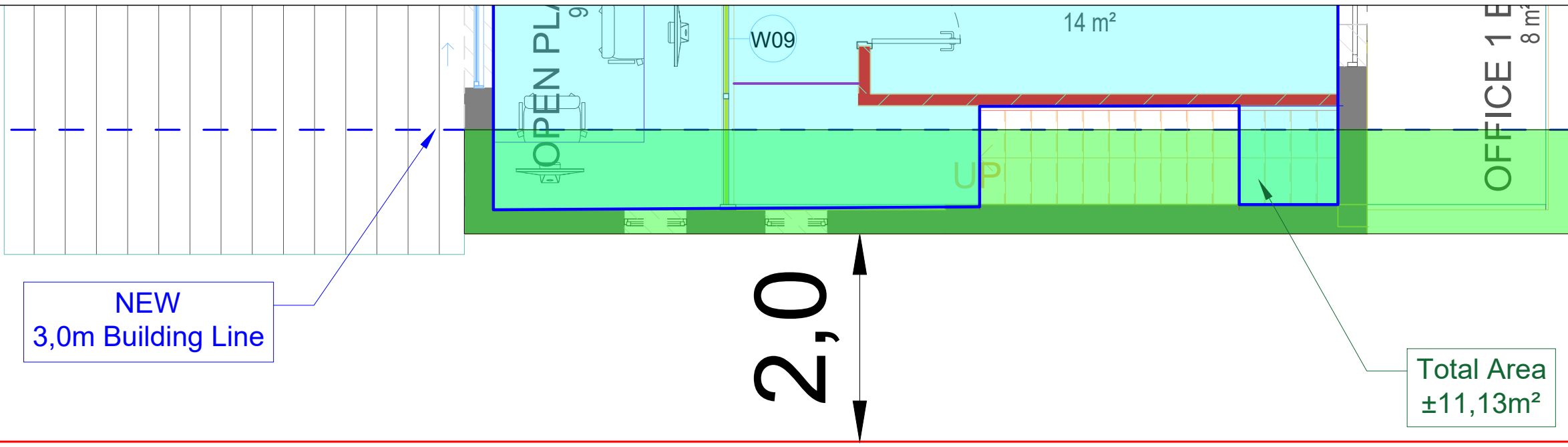
3m Side Building Line

3m Rear Building Line

3m Side Building Line

2,0

Scale 1 : 125



NEW
3,0m Building Line

2,0

Total Area
 $\pm 11,13\text{m}^2$

Scale 1 : 50

4.2 Site Plan
 First Floor
 Erf 1019 - Sandbaai

Extent - 696m^2

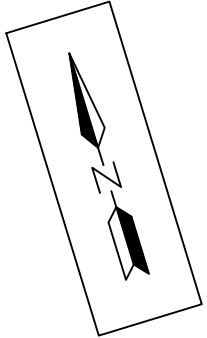
Coverage - 39,11%

GLA - $\pm 189\text{m}^2$

Proposed Parking

GLA - 189m^2
 8 Parking Bays Required

Total Parking Bays provided = 8



Plan prepared by: Thian Jansen on 24/02/2025
 Based on plans by Neel Saayman Architects

All distances are approximate
 and subject to a survey

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 Street Hermanus, 7200



Project Office
 Town Planning & Project Management

ERF 1020

Boundary Line

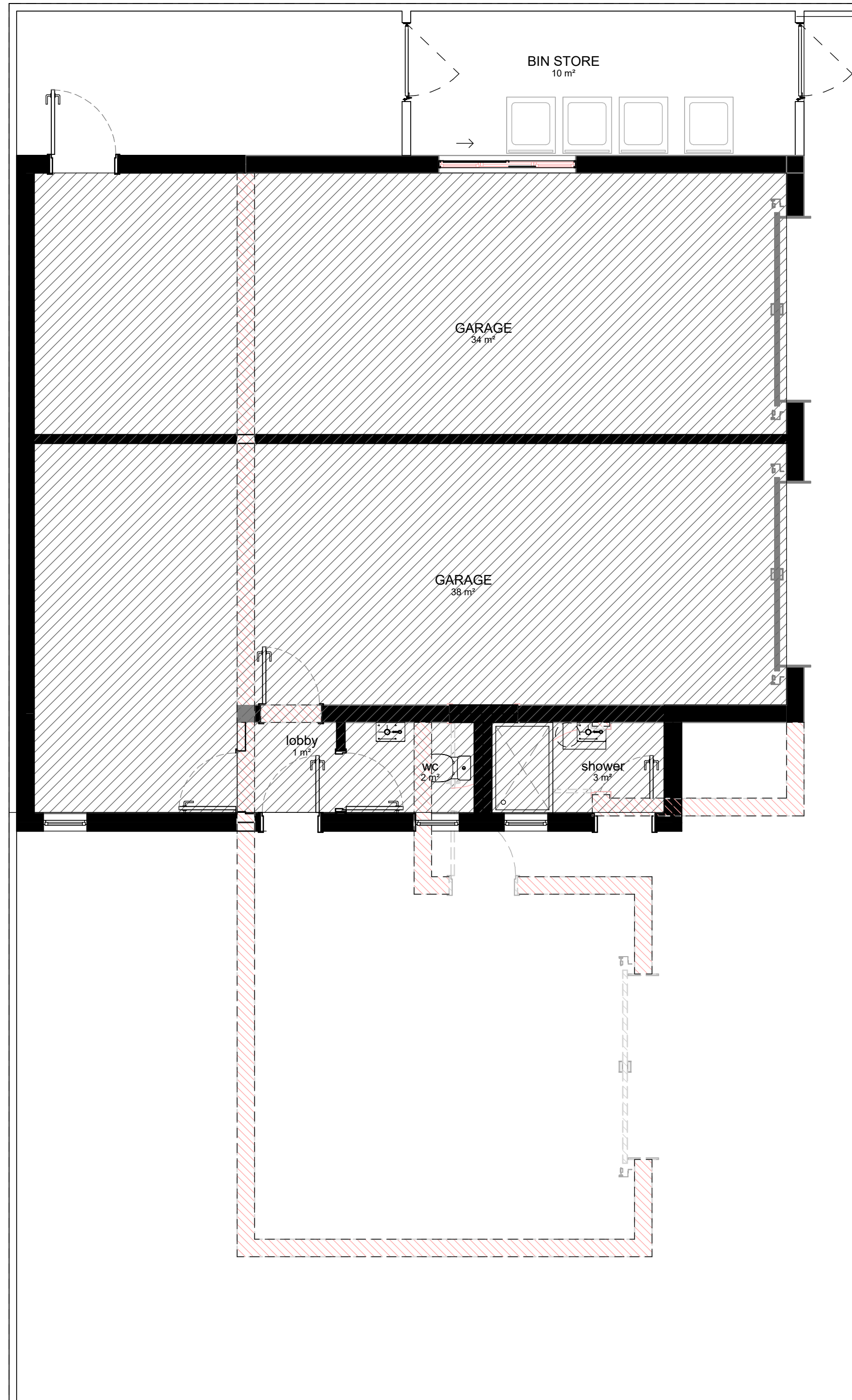
ERF 1019



Boundary Line

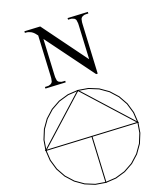
ERF 1018

ERF 1021

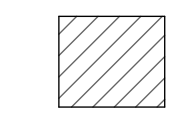


Boundary Line

Boundary Line



Ground Floor - GLA
1 : 50

 Areas excluded in Gross Leasable Area

NEEL SAAYMAN
architects cc

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* BUILDING WORK TO BE SABS AND NHBC COMPLIANT
* BUILDING WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE CONSTRUCTION REGS. OF 2003, WITH EMPHASIS ON HEALTH & SAFETY

Project: ERF 1019, 93 Main Road, Sandbaai, Hermanus

Drawing: Ground Floor - GLA

Date: 24/02/25 Scale: 1 : 50@ A1

Drawn by: CM	Plot Check:	Job No. 024 18	Drig No. 1009	Rev.
Approved:	Approver:			

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4.3 Site Plan
Erf 1019 - Sandbaai

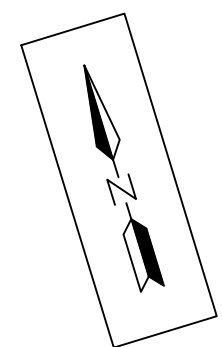
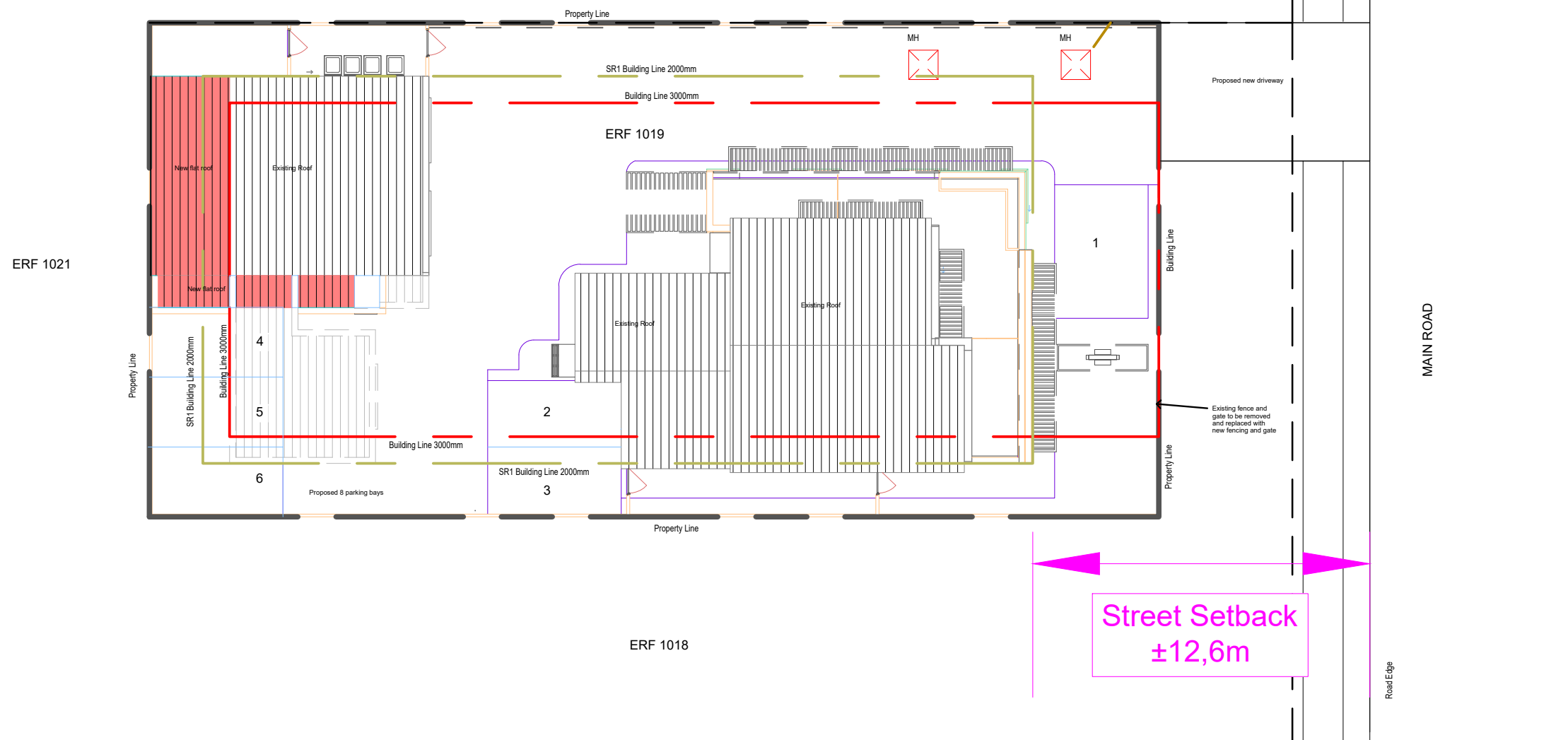
Extent - 696m²
Coverage - 39,11%

GLA - ±189m²

Proposed Parking

GLA - 189m² =
8 Parking Bays Required

Total Parking Bays provided = 8



Plan prepared by: Thian Jansen on 20/01/2024
Based on plans by Neel Saayman Architects

All distances are approximate
and subject to a survey

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Street Hermanus, 7200



Project Office
Town Planning & Project Management

Scale 1 : 200

ERF 1020

Boundary Line

ERF 1021

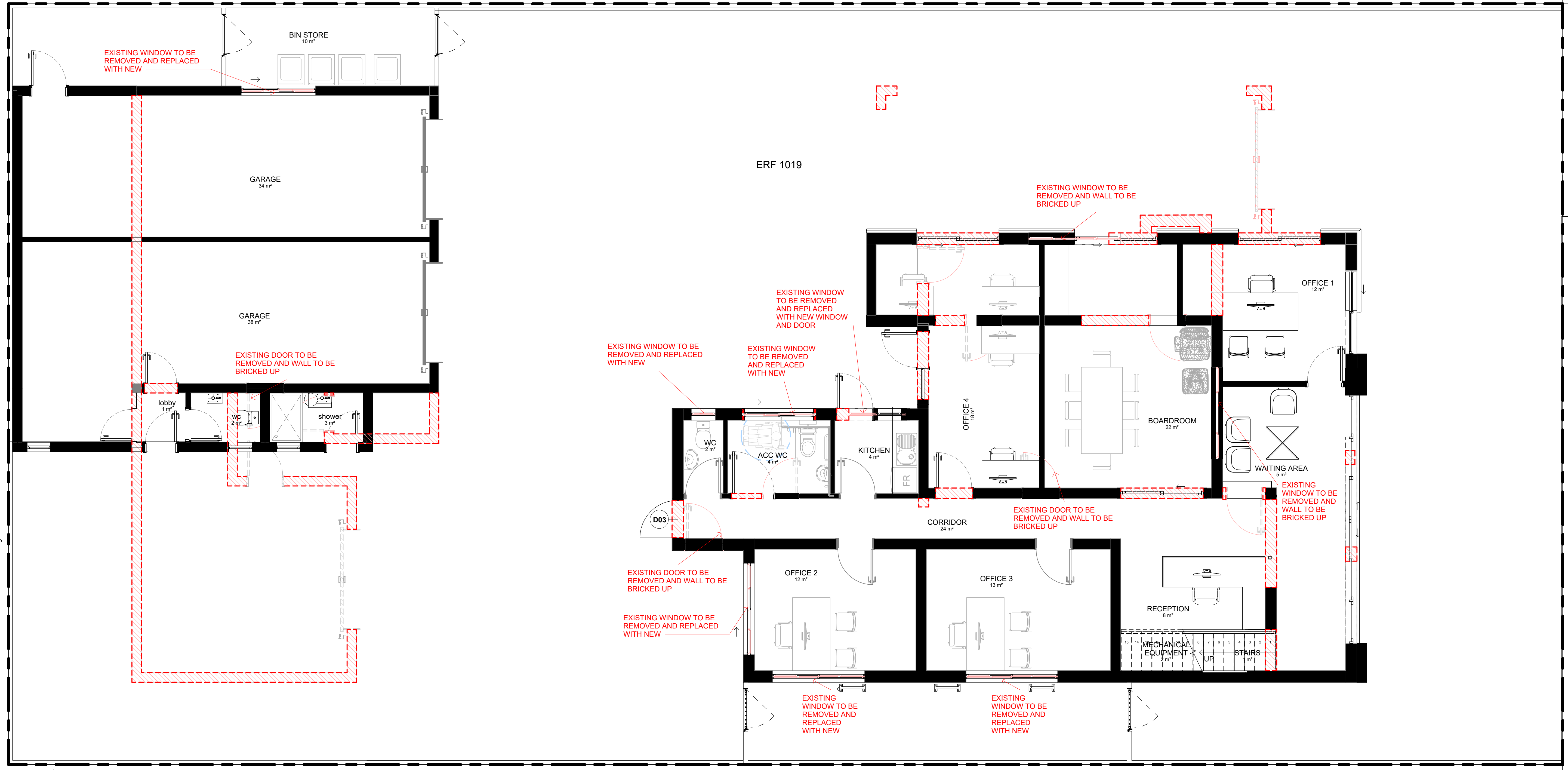
Boundary Line

ERF 1019

Boundary Line

ERF 1018

Boundary Line



Ground Floor - Demolition Plan
1 : 50

NEEL SAAYMAN
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Project: ERF 1019, 93 Main Road, Sandbaai, Hermanus

Drawing: Ground Floor Demolition Plan

Date: 24/02/25 Scale: 1 : 50@ A1

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