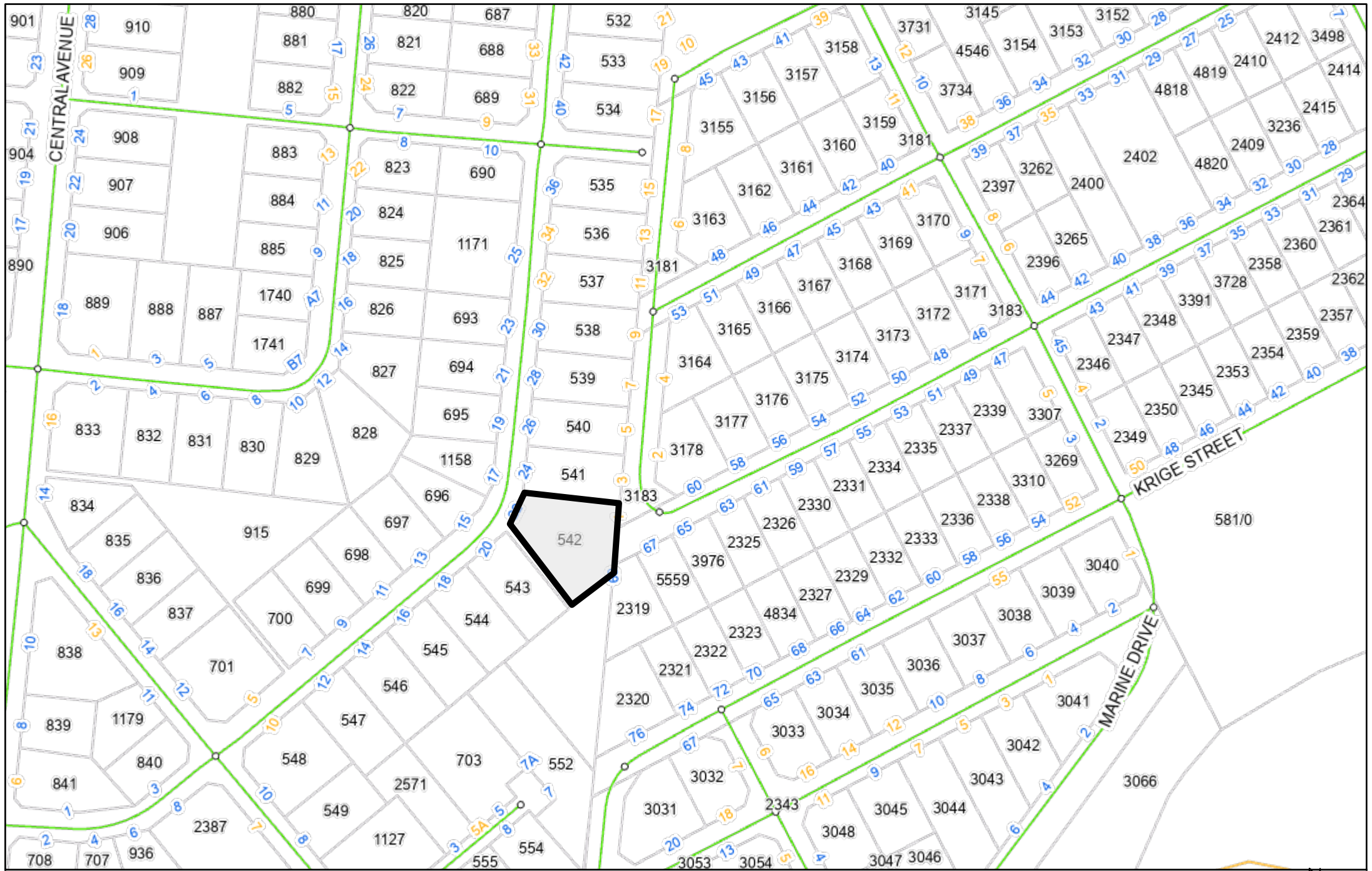


| OVERSTRAND MUNICIPALITY   | OVERSTRAND MUNISIPALITEIT  | UMASIPALA WASE-OVERSTRAND   |
|---|--|---|
| <p><b><u>ERF 542, 22 STORMVOËL CRESCENT, VERMONT: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND SUBDIVISION: WRAP PROJECT OFFICE ON BEHALF OF IM GREYLING AND THE TRUSTEES OF WP SMIT FAMILY TRUST</u></b></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 542, Vermont (the property), namely:</p> <p><b><u>Removal of Restrictive Title Deed Condition</u></b><br/>Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition E.(a) as contained in Title Deed T13358/10 of the property to accommodate the proposed subdivision.</p> <p><b><u>Subdivision</u></b><br/>Application in terms of Section 16(2)(d) of the By-Law to subdivide Erf 542, Vermont into two (2) portions, namely Portion A (±613m<sup>2</sup>) and a Remainder (±613m<sup>2</sup>).</p> <p>Full details regarding the proposals above are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town and Spatial Planning, 16 Paterson Street, Hermanus.</p> <p>Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (e) <a href="mailto:loretta@overstrand.gov.za">loretta@overstrand.gov.za</a>) on or before <b>25 July 2025</b>, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the <b>Town Planner, Mr. H. Olivier</b> at 028-3138900. The Municipality may refuse to accept comments after the closing date. Any person who cannot read or write can visit the Town and Spatial Planning Department where they will be assisted by a municipal official in formulating their comments.</p> | <p><b><u>ERF 542, STORMVOËLSINGEL 22, VERMONT: AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDE EN ONDERVERDELING: WRAP PROJECT OFFICE NAMENS IM GREYLING EN DIE TRUSTEES INDERTYD VAN WP SMIT FAMILIETRUST</u></b></p> <p>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 542, Vermont (die eiendom), naamlik:</p> <p><b><u>Opheffing van Beperkende Titelaktevoorwaarde</u></b><br/>Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaarde E.(a) soos vervat in Titelakte T13358/10 van die eiendom om die voorgestelde onderverdeling te akkommodeer.</p> <p><b><u>Onderverdeling</u></b><br/>Aansoek ingevolge Artikel 16(2)(d) van die Verordening om Erf 542, Vermont in twee (2) gedeeltes te onderverdeel, naamlik Gedeelte A (±613m<sup>2</sup>) en 'n Restant (±613m<sup>2</sup>).</p> <p>Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stads- en Streekbeplanning te Patersonstraat 16, Hermanus.</p> <p>Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) <a href="mailto:loretta@overstrand.gov.za">loretta@overstrand.gov.za</a>) voor of op <b>25 Julie 2025</b>, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die <b>Stadsbeplanner, Mnr. H. Olivier</b> 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 Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.</p> | <p><b><u>ISIZA 542, 22 STORMVOËL CRESCENT, VERMONT: ISICELO SOKUSUSWA KWEMEKO YETAYITILE ETHINTELWEYO KUNYE ULWAHLULO: WRAP PROJECT OFFICE EGAMENI LIKA-IM GREYLING KUNYE THE TRUSTEES OF WP SMIT FAMILY TRUST</u></b></p> <p>Isaziso sinikwe apha ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala oLungisiweyo we-Overstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, wowama-2020 (uMthetho kaMasipala), kwezi zicelo zilandelayo zisebenza kwi-Erf 542, Vermont (ipropati), ezizezi:</p> <p><b><u>Ukususwa koMqathango weSivumelwano seSitayitela esiThintelweyo</u></b><br/>Isicelo ngokweCandelo le-16 (2)(f) loMthetho kaMasipala wokususwa komqathango wetayitile ethintelayo i-E.(a) njengoko kuqulethwe kwiSiquendo seSiquendo T13358/10 sepropati ukulungiselela ulwahlulo olucetywayo.</p> <p><b><u>Ulwahlulo</u></b><br/>Isicelo ngokweCandelo le-16(2)(d) loMthetho kaMasipala wokwahlulahlula i-Erf 542, iVermont ibe ngamacandelo amabini (2), angala iSahlulo A (±613m<sup>2</sup>) kunye neNtsalela (±613m<sup>2</sup>).</p> <p>linkcukacha ezipheleleyo malunga nezi zindululo zingasentla ziyafumaneka ukuze zihlolwe phakathi evekini phakathi kwe-08:00 kunye ne-16:30 kwiSebe: UCwangciso lweDolophu neSithuba, 16 Paterson Street, Hermanus.</p> <p>Nawaphi na amagqabantshintshi kufuneka abhalwe kwaye afikelele kuMasipala (16 Paterson Street, Hermanus / (e) <a href="mailto:loretta@overstrand.gov.za">loretta@overstrand.gov.za</a>) ngomhla okanye ngaphambi <b>kwe-25 kaJulayi 2025</b>, kunye negama lakho, idilesi, iinkcukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zokuphawula. Imibuzo yeTelephonic inokwenziwa <b>kuMchwangcisi weDolophu, uMnu. H. Olivier</b> ngo-028-3138900. UMasipala usenokwala ukwamkela izimvo emva komhla wokuvula. Nawuphi na umntu ongakwaziyo ukufunda nokubhala angatyela iSebe leDolophu noCwangciso lweMihlaba apho aya kuncediswa ligosa likamasipala ekuqulunqeni izimvo zakhe.</p> |
| <p>Dr DGI O'Neill<br/> <b>Municipal Manager / Munisipale Bestuurder / Umphathi Kamasipala</b><br/>           PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200</p> <p style="text-align: right;"><i>Notice no. / Kennisgewing nr. / Inothi yeNomb: 116/2025</i></p>  |  |   |





## **ERF 542 VERMONT**

### APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND SUBDIVISION

**Application prepared for:**

WP SMIT FAMILIETRUST & IM GREYLING

**Application prepared by:**

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**Submitted**

May 2025



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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>LUPA</b>   | Western Cape Land Use Planning Act, 2014.                                     |
| <b>MSDF</b>   | Overstrand Spatial Development Framework, 2020                                |
| <b>SR1</b>    | Residential Zone 1: Single Residential  |

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### 2. PROPERTY DETAILS

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|                         |  |
|-------------------------|--|
| <b>Property Details</b> | Erf 542, Vermont                       |
| <b>Erf extent</b>       | 1 226m <sup>2</sup>                    |
| <b>Current zoning</b>   | Residential Zone 1: Single Residential |

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### 3. BACKGROUND

---

Erf 542, Vermont is the subject property. The owners purchased the property in 2010 with the intention of subdividing it in the future, aiming to divide the asset equally between the two owners.

The owners have a clear vision for the subject property, namely, to transform it into two erven. This will be achieved by demolishing the existing dwelling. A demolition permit will be obtained if the subdivision is approved. There is ample space available and the two proposed portions of the property will provide more than sufficient room for the construction of two dwelling houses, consistent in scale with neighbouring properties. By subdividing the property, the owners aim to maximise 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 owners seek to ensure that the new erven 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.

The title deed, however, contains a restrictive condition that must be removed to allow the subdivision to proceed. This application therefore includes the removal of the restrictive title deed condition. Approval of the following applications is required:

- Removal of a restrictive title deed condition; and
- Subdivision into two erven.



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

WRAP Project Office was appointed to compile and submit a land use planning application to achieve the vision highlighted in Section 3 of this report. The following is proposed:

**4.1 Removal of a restrictive title deed condition** to allow the subdivision of Erf 542, Vermont

Title Deed T13358/2010 (refer to **Annexure B**) was reviewed, and it contains a single restrictive condition that must be removed to enable the proposed subdivision. This condition prohibits the land use rights necessary for the subdivision of the property. The rationale for its removal is discussed below. The title deed condition proposed to be removed is indicated in **Table 1** below:

| <b>Table 1: Restrictive Title Deed Condition</b>   |
|--|
| Condition (E)(a) – <i>“Save with the consent of the Transferor Company in writing no buildings or structures 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 buildings 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.”</i> |

The condition prohibits subdivision without the consent of the transferor company. As the company in question no longer exists, the removal of this condition is necessary. The proposed subdivision is not expected to be out of character with the surrounding area, and no negative impacts are anticipated. It is also important to note, the building line restrictions located in the title deed is less restrictive than the OMLUS, meaning the removal will over no additional rights to the owners.

**Motivation**

**The rationale for the proposed removal**

The owners have a clear vision to subdivide the property, with the intention that each owner will retain a separate portion of the erf. The rationale behind this proposal is rooted in a desire to formalise individual ownership arrangements, simplify future property management, and allow each owner the autonomy to develop or utilise their portion independently. Subdivision will also ensure that the property's potential is maximised in a manner that remains consistent with the character of the surrounding area. By creating two erven, the owners aim to enhance both the functionality and long-term value of the property.

**Title deed condition background**

The restrictive title deed condition was originally intended to regulate the subdivision of the property by requiring the consent of the transferor company. This mechanism was likely included to control development and ensure orderly land use. The transferor company however, longer exists, rendering the fulfilment of this condition impossible.



As such, its removal is necessary to enable the proposed subdivision of Erf 542, Vermont. The authority to consider and approve the removal of this condition now resides with the Overstrand Municipality.

**Status quo**

The current Overstrand Municipality Land Use Scheme (OMLUS) provides clear and consistent development parameters for residential properties across the municipal area, including provisions for subdivision where appropriate. The title deed applicable to Erf 542, Vermont however contains a restrictive condition that prohibits subdivision without the consent of the now-defunct transferor company. This condition is more restrictive than the applicable land use scheme and municipal policies.

As a result, both the current and intended future use of the property are constrained by this outdated condition. While such restrictions may have been appropriate at a time when detailed municipal planning frameworks were not yet in place, they now conflict with the more progressive and flexible development guidelines of the Overstrand Municipality. The removal of this restrictive condition is therefore necessary to enable the subdivision and to allow the owners to realise the full potential of the property in a manner that aligns with the current statutory framework.

It is the responsibility of the current owners to ensure that the property complies with both the applicable planning legislation and the conditions of title in order to proceed with the proposed subdivision.

In terms of the requirements of LUPA, the following is addressed in terms of Section 39(5) (a-f) in **Table 2** below:

| <b>Table 2: 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> | The restrictive condition requires the consent of the transferor company for subdivision. As the transferor company no longer exists, there is no identifiable person or legal entity currently enjoying any financial or other value derived from this condition. Accordingly, there is no loss of economic or property value to any individual or entity should the condition be removed. |
| <i>(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;</i>  | Given that the rights vest with a company that has since ceased to exist, no party is presently in a position to exercise or benefit from the rights conferred by the condition. As such, no personal benefits accrue to any identifiable party under the existing condition.   |
| <i>(c) the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the</i>  | The removal of the restrictive condition will enable the lawful subdivision of Erf 542 Vermont, in accordance with the Overstrand Municipality Land Use Scheme  |



## MOTIVATION

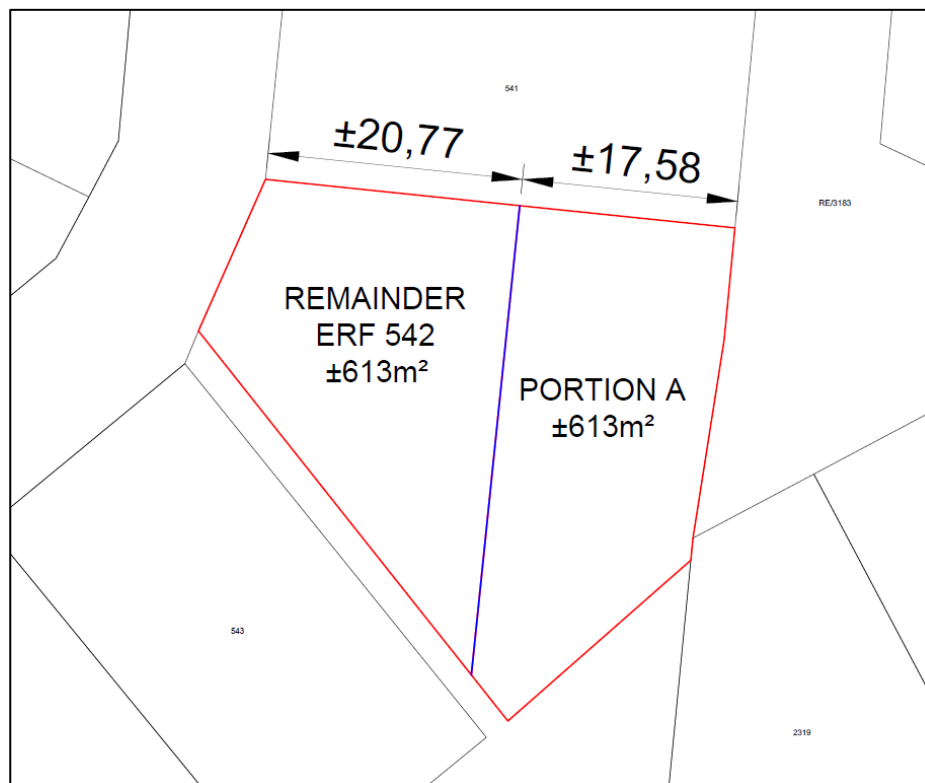
|   |   |
|---|---|
| <i>restrictive condition if it is removed, suspended or amended;</i>  | and other applicable policies. This will allow each owner to retain a portion of the property under separate title, improving the property's manageability, value, and future development potential. It will also formalise a longstanding co-ownership arrangement, thereby providing legal certainty.   |
| <i>(d) the social benefit of the restrictive condition remaining in place in its existing form;</i>   | There is no clear social benefit in retaining a condition that cannot be enforced due to the absence of a beneficiary. Furthermore, the condition is more restrictive than the municipal land use scheme, which already regulates subdivisions in a consistent and transparent manner. Retaining the condition would perpetuate an unnecessary administrative burden and hinder the efficient use of land.                |
| <i>(e) the social benefit of the removal, suspension or amendment of the restrictive condition; and</i>   | The removal of the condition will facilitate appropriate development that is in keeping with the character and scale of the surrounding area. It promotes the efficient use of urban land and allows for the formalisation of a more equitable and transparent ownership structure. The proposed subdivision aligns with municipal planning objectives and contributes positively to the orderly development of the area. |
| <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> | The removal of the condition will not infringe upon the rights of any existing beneficiary, as no identifiable party currently benefits from the condition. The removal will merely eliminate an obsolete restriction that no longer serves a practical or legal function.  |

### 4.2 Subdivision of Erf 542 Vermont into Portion A, ±613m<sup>2</sup>, and the Remainder, ±613m<sup>2</sup>.

The subject property has an extent of 1226m<sup>2</sup> and as mentioned previously, the owners have an intention to subdivide the property in two equal portions. The proposed subdivision aims to divide the property into two portions, each measuring ±613m<sup>2</sup>. This strategic division allows the property owners to maximize the extent and development potential of the subject property. The proposed subdivision is summarised in **Table 3** and illustrated in **Figure 1** on the following page.

| <b>Table 3: Proposed Subdivision of Erf 542, Vermont</b> |  |                     |
|--|--|---------------------|
| <b>Status Quo</b>  |  |                     |
| Erf 542, Vermont   |  | 1 226m <sup>2</sup> |
| <b>Proposed Subdivision</b>                              |  |                     |
| 1  | Proposed Remainder of Erf 542, Vermont             | ±613m <sup>2</sup>  |
| 2  | Proposed Portion A (a Portion of Erf 542, Vermont) | ±613m <sup>2</sup>  |

By subdividing Erf 542 Vermont into two equal portions, the owners seek to make optimal use of the available land, creating two well-proportioned residential properties of approximately 613m<sup>2</sup> each. This proposed layout aligns with the prevailing character of the surrounding neighbourhood, where similarly sized erven are common. The subdivision has been carefully considered to ensure that the resulting erven will integrate seamlessly into the existing urban fabric, contributing to a coherent and balanced residential environment.



**Figure 1: Extract of Plan 3 - Proposed subdivision**

The proposal offers a range of planning and socio-economic benefits. Firstly, it allows for more efficient land use within an established urban area, consistent with the spatial development objectives of the Overstrand Municipality. Secondly, it creates an opportunity for an additional household to access residential property in Vermont, an area where demand for well-located residential erven remains high. The subdivision will not result in overcrowding or overdevelopment, as each portion will be suitably sized to accommodate a single dwelling in accordance with the applicable zoning and development parameters.



Furthermore, the subdivision supports infill development, which is encouraged in terms of sustainable planning principles. It helps to limit urban sprawl by facilitating growth within areas already serviced with infrastructure and amenities. This reduces pressure on municipal resources and promotes a more compact urban form.

With the growth of the population in the Overstrand area, new housing opportunities should be welcomed. The OMSDF includes projections related to the population growth of key areas within the municipality. According to the OMSDF, Greater Hermanus area experienced a population growth rate of 6.4% per annum between 2001 and 2011. The document further states that the Greater Hermanus area will require several thousand additional dwelling units to accommodate future population growth (OMSDF, p.28). This places increasing pressure on the Overstrand Municipality to provide housing opportunities in areas where land availability is constrained. In this context, the creation of new residential opportunities in Voëklip is particularly important, as vacant, undeveloped erven in this suburb are scarce. The proposed subdivision will therefore contribute meaningfully to meeting this need without compromising the established character of the area.

The visual representation provided in **Figure 1** illustrates the proposed subdivision layout and highlights how the new erven will function as independent residential sites. The owners' intention is not to intensify land use beyond what is considered appropriate, but rather to formalise a fair and practical ownership arrangement while creating new opportunities for residential development.

The proposed subdivision of Erf 542 Vermont represents a logical, responsible, and beneficial land use intervention. It is in line with municipal policy, promotes efficient and sustainable development, and will enhance the residential appeal of the area without compromising its character or amenity.

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## 5. LAND USE ENVIRONMENT

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There is a mixture of zonings surrounding the subject property, although the area is considered to be a residential area. The surrounding area's zoning is illustrated in **Plan 2** (zoning plan).

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## 6. ZONING

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The proposal entails the subdivision of the subject property into Portion A and the Remainder. Should the application be approved, the existing dwelling on the property will be demolished, and both portions will retain the SR1 zoning. This will allow for the continued use of the properties for residential purposes. The subdivided properties will adhere to the zoning parameters applicable to SR1 in terms of the OMLUS, as required by Section 66(1)(a) of the Overstrand Municipal By-Law.



**7. 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. Both properties will be connected 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 and Egress**

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

| Property |  | Access and Egress  |
|----------|--|--------------------|
| 1        | Proposed Remainder of Erf 542, Vermont             | Stormvoël Crescent |
| 2        | Proposed Portion A (a Portion of Erf 542, Vermont) | Hennie Henn Street |

**8. 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 development arose from the property owners' vision to be able to optimise the utilisation of the entire extent of the subject property.

|                       |   |
|-----------------------|---|
| Socio-economic impact | <p>The proposed subdivision to accommodate a higher density residential development has a positive impact on the following socio-economic aspect of the area:</p> <p>Increased Housing Options: The subdivision creates new residential opportunities by dividing the property into multiple portions. This allows for the construction of additional dwelling houses, providing a greater 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.</p> <p>Job Creation: 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</p> |
|-----------------------|---|



## MOTIVATION

|   |  |
|---|--|
|   | <p>can create both direct and indirect employment, thereby stimulating local economic activity and supporting livelihoods.</p> <p>Economic Growth: 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.</p> <p>Property Value Enhancement: 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 owners but also the broader community.</p> |
| Compatibility with surrounding uses   | The properties will 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 is not expected that the proposed subdivision will have an effect on the safety, health and wellbeing of the surrounding community.   |
| Impact on heritage  | The subject property is not listed in the OM Heritage Register.  |
| Impact on the biophysical environment                                       | <p>The proposal has the following positive impact on the biophysical environment:</p> <p>Land use efficiency: The proposal is proposing to be more land-efficient than low density developments, which can help preserve open spaces, farmland, and natural habitats. This can help maintain biodiversity and ecosystem services in the surrounding area.</p>  |
| Traffic impacts, parking, access and other transport related considerations | The proposed development will have adequate parking on each portion, also as the access and egresses are divided between Stormvoël Crescent and Hennie Henn Street, it is not predicted that the subdivision will have a drastic impact on the traffic flow.   |



### **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 development of the vacant erf 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.

### **Economic impact**

Section 3 of this report indicated what economic impact this development 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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## **9. POLICIES AND REGULATIONS**

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### **9.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)**

The property is not located within the EMOZ.

### **9.2 Heritage Protection Overlay Zone (HPOZ)**

The property is not located within the HPOZ.

### **9.3 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.



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**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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**10. PLANNING PRINCIPLES**

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 involves promoting equitable and inclusive development that addresses and rectifies historic spatial inequalities, particularly those stemming from apartheid-era planning. The proposed subdivision of Erf 542 Vermont does not contribute to the perpetuation of apartheid spatial development patterns. Instead, it



aligns with contemporary principles of spatial justice by facilitating more efficient land use within an existing urban area, thereby supporting equitable access to residential land opportunities. By enabling the creation of an additional residential erf in a well-established neighbourhood, the proposal contributes to a more balanced and just spatial distribution of housing, without marginalising or excluding any social groups.

### **Spatial Sustainability**

Spatial sustainability refers to the creation of viable, liveable communities that can maintain social, economic, and environmental well-being over time. The proposed subdivision promotes spatial sustainability by maximising the utilisation of already serviced land within the urban boundary. This form of infill development is widely regarded as a sustainable planning practice because it reduces the need for urban expansion into undeveloped or agricultural land, thereby preserving natural resources and minimising infrastructure costs. By subdividing the existing erf into two residential properties, the proposal efficiently uses available land to meet housing demand while supporting sustainable growth patterns.

### **Efficiency**

The proposed subdivision aims to optimise the use of Erf 542 Vermont by dividing the property into two suitably sized portions, each capable of accommodating a single dwelling house. This approach ensures that the land is utilised efficiently to benefit two households, providing sufficient space for comfortable living environments. It also aligns with municipal development guidelines regarding minimum erf sizes and density requirements. Such efficient land utilisation contributes to the overall functionality and economic viability of the area, avoiding underuse of valuable urban land.

### **Spatial Resilience**

Spatial resilience is characterised by planning interventions that harmonise with existing policies and frameworks, ensuring adaptability and long-term viability. The proposed subdivision does not conflict with any spatial planning policies or regulations established by the Overstrand Municipality. It complies fully with the Overstrand Municipal Land Use Scheme and other relevant legislation, reflecting a resilient approach that is adaptable to future planning and development considerations. This ensures that the subdivision can withstand changing circumstances and continue to contribute positively to the urban environment.

### **Good Administration**

The Overstrand Municipality has demonstrated a credible track record of good governance and administration in land use planning. This includes transparent public participation processes that invite and consider comments from affected parties and the wider community, enabling informed and balanced decision-making. The Municipality also adheres to prescribed timeframes for processing applications, ensuring efficient service delivery and certainty for applicants. The current application process complies with these administrative standards, reflecting the Municipality's commitment to procedural fairness and effective land use management.



## CONCLUSION AND RECOMMENDATION

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### 11. CONCLUSION

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The proposal must be assessed with the understanding that the current use of Erf 542 Vermont is not optimally utilising the available land. The existing single erven configuration underutilises the property's potential, given its size and location within a well-established residential area. The owners' intention to subdivide the property represents a responsible and efficient approach to land use, which will enhance the residential capacity of the area while maintaining the character and quality of the neighbourhood.

Importantly, the proposed subdivision does not seek to introduce any new or intensified land use rights beyond what is currently permitted. Both resulting erven will remain designated for residential purposes in accordance with the Overstrand Municipality Land Use Scheme and relevant spatial planning frameworks. This consistency ensures that the proposal is fully aligned with existing municipal policies and planning guidelines, demonstrating that the owners have conscientiously considered the broader planning context.

In addition, the subdivision proposal supports the municipality's objectives to encourage sustainable infill development and optimise land use within urban boundaries, thereby helping to curb urban sprawl and preserve open spaces outside the urban edge. The increase in residential units, though modest, contributes positively to addressing the growing housing demand within Vermont and the greater Overstrand area. Furthermore, the application process will incorporate public participation as mandated by the Overstrand Municipality, ensuring that neighbouring property owners and other stakeholders have the opportunity to provide input. This open and inclusive approach supports good governance and assists in achieving an outcome that respects the interests of the wider community.

In summary, the proposal to subdivide Erf 542 Vermont represents an efficient and well-considered use of the land, consistent with all applicable spatial planning policies. It maximises the potential of the property in a way that respects the existing residential character of the area and contributes to meeting housing needs in a sustainable manner. The involvement of experienced professionals and the commitment to public participation further reinforce the proposal's sound planning principles.



## CONCLUSION AND RECOMMENDATION

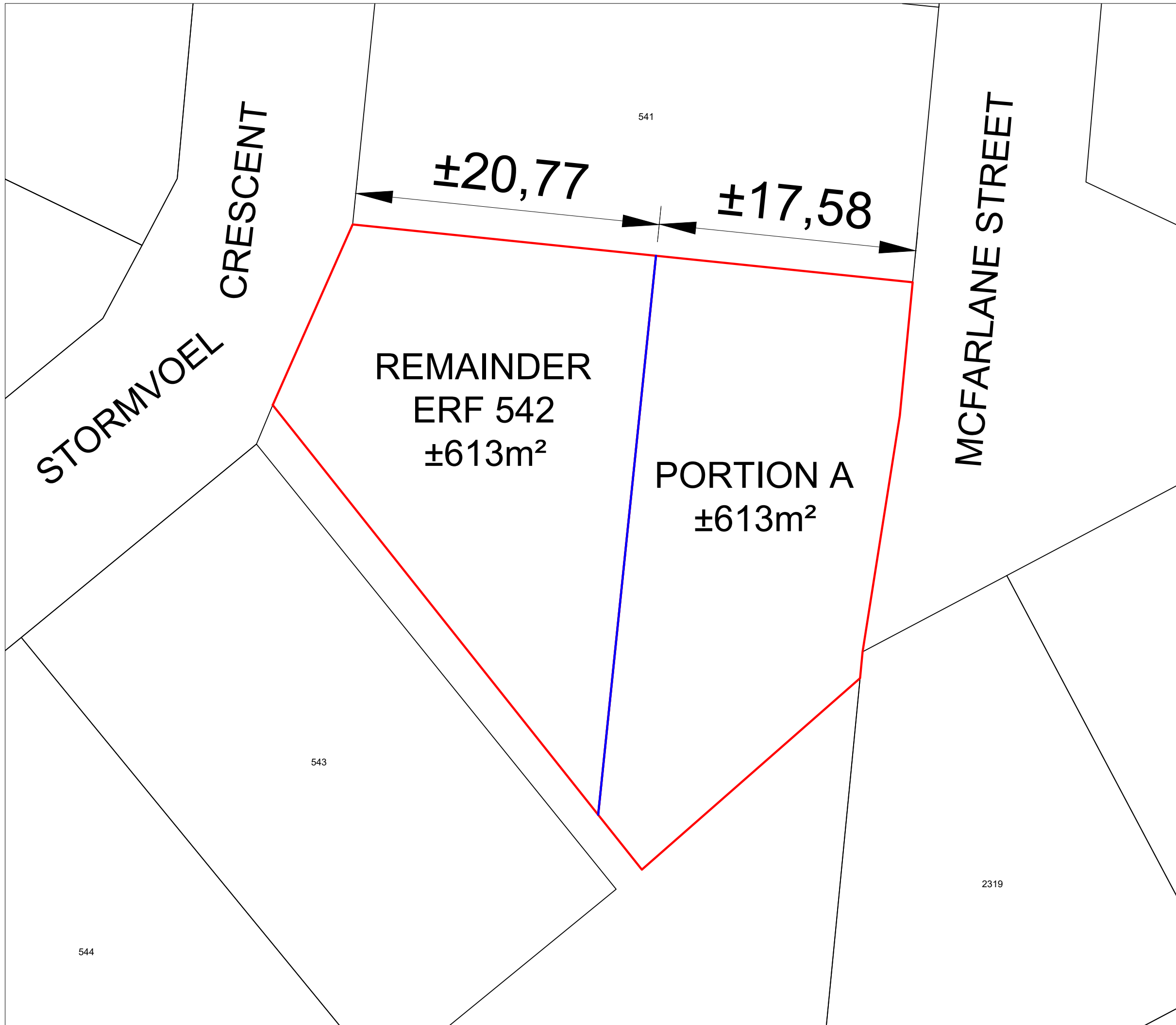
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### 12. RECOMMENDATION

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

- 12.1 Removal of a restrictive title deed condition** to allow the subdivision of Erf 542 Vermont in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 12.2 Subdivision** of Erf 542 Vermont into Portion A,  $\pm 613\text{m}^2$ , and the Remainder,  $\pm 613\text{m}^2$  in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



3. Proposed Subdivision Plan  
Erf 542 Vermont

**Proposed Subdivision Plan  
Erf 542 Vermont**

Remainder of Erf 542 - Vermont  
±613m<sup>2</sup>

Portion A  
±613m<sup>2</sup>

Plan Number: 24.166 (001)

Plan prepared by: Thian Jansen on 23/05/2025

All distances are approximate  
and subject to a survey

Tel: 028 313 1411

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