

**ERF 11473, 30 LUYT STREET, EASTCLIFF, HERMANUS: APPLICATION FOR SUBDIVISION AND EXEMPTION OF SUBDIVISION: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF WAYNE AND CARIN COOKE**

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has been received as follows:

- **Subdivision** in terms of Section 16(2)(d) to subdivide Erf 11473, Hermanus into 2 portions, namely a Portion A approximately 641m<sup>2</sup> in extent and a Remainder approximately 1135m<sup>2</sup> in extent.
- **Exemption of subdivision** in terms of Section 26 of the By-law for the registration of a right-of-way servitude approximately 93.5m<sup>2</sup> in extent on Portion A in favour of the Remainder.
- **Exemption for the imposition of a height restriction** in terms of Section 26 of the By-law on Portion A in favour of the Remainder.

Full detail regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department: Town and Spatial Planning at 16 Paterson Street, Hermanus. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / ([alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **Friday, 29 August 2025**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr P Roux** 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 and Spatial Planning Department where a municipal official will assist them in order to formalize their comment.

**ERF 11473, LUYTSTRAAT 30, EASTCLIFF, HERMANUS: AANSOEK OM ONDERVERDELING EN VRYSTELLING VAN ONDERVERDELING: MNRE PLAN ACTIVE STADS- EN STREEKBEPANNERS NAMENS WAYNE EN CARIN COOKE**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek soos volg ontvang is:

- **Onderverdeling** ingevolge Artikel 16(2)(d) van Erf 11473, Hermanus in 2 gedeeltes, naamlik 'n Gedeelte A ongeveer 641m<sup>2</sup> groot en 'n Restant ongeveer 1135m<sup>2</sup> groot.
- **Vrystelling van onderverdeling** ingevolge Artikel 26 van die Verordening vir die registrasie van 'n reg van weg serwituuat ongeveer 93.5m<sup>2</sup> groot op Gedeelte A ten gunste van die Restant.
- **Vrystelling van die oplegging van 'n hoogtebeperking** ingevolge Artikel 26 van die Verordening op Gedeelte A ten gunste van die Restant.

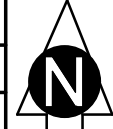
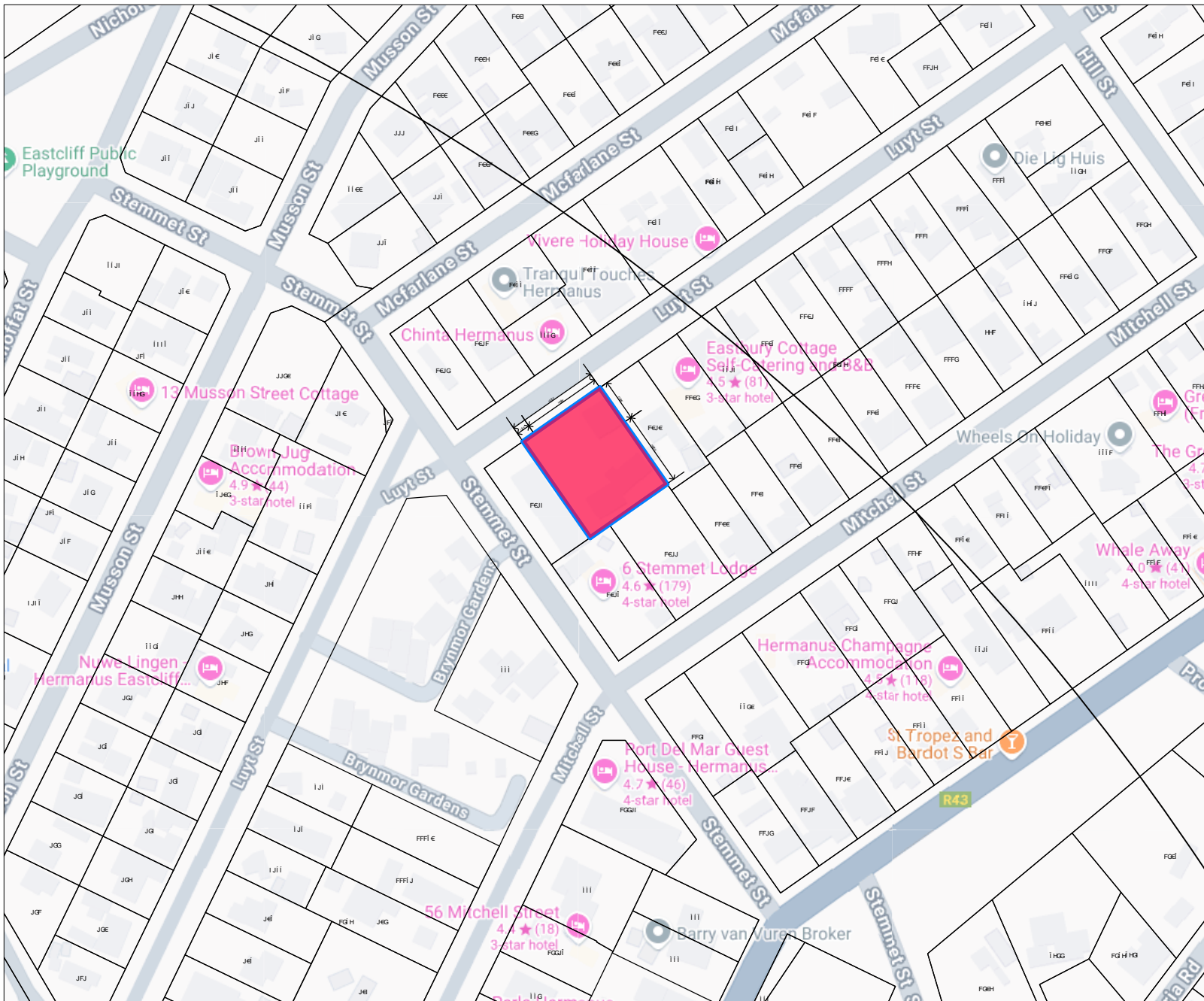
Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stads- en Streekbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) voor of op **Vrydag, 29 Augustus 2025**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr P Roux** at 028-313 8900. Die Munisipaliteit mag weier om die kommentaar 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 formaliseer.

**ISIZA ESINGU-ERF 11473, 30 LUYT STREET, EASTCLIFF, HERMANUS: ISICELO SOKWAHLULAH LULA NOKUTSHWA KULWAHLULAH LULO: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS EGAMENI LIKA WAYNE NO CARIN COOKE**

Kukhutshwe isaziso esimayela nemiba yeSoloty lama-48 singoMthethwana kaMasipala waseOverstrand OsisiHlomelo soMthethwana OngeZicwangciso zokuSetyenziswa koMhlaba kaMasipala ku2020 isizaso esi sithi kufunyenwe isicelo esingale miba ilandelayo:

- **Ukwahlulahlula** ngokwemiba yeSoloty le16(2)(d) elingokwahlulahlula Isiza u-Erf 11473, Hermanus ibe zizahlulo ezibini 2, ezibizwa Isahlulo A esimayela nezikwemitha ezi-641m<sup>2</sup> ubukhulu neNtsalela obumayela nomlinganiselo ozizikwemitha ezi-1135m<sup>2</sup> ubukhulu.
- **Ukukhutshwa kokwahlulahlula** ngokwemiba yeSoloty lama-26 loMthethwana ongokubhaliswa kwendlela eyirhanga yokuphumela abasebenza ngokuzisa iinkonzo emayela nezikwemitha ezi-93.5m<sup>2</sup> ubukhulu kwiSahlulo A ukulungiselela Intsalela.
- **Ukukhutshwa kwezinyanzeliso ezingumqobo ukuphakama** ngokwemiba yeSoloty lama-26 loMthethwana weSahlulo A ukulungiselela Intsalela.

Inkcukacha ezipheleleyo mayela nesisiphakamiso siyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini phakathi kwentsimbi ye08:00 neye16:30 kwiSebe: LeZicwangciso zeDolophu noCwangciso LweNdawo kwa 16 Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zeSoloty lama-51 nama-52 loMthethwana kaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / ([alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphambi komhla ka **Lwesihlanu, 29 EyeThupa 2025**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zakho zokuhlomla. Imibuzo ngefowuni ingabuzwa ku**Mnu P Roux** kwa-028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukubhala ukufunda nokubhala angahambela kwiSebe LeZicwangciso NoCwangciso Lwendawo apho igosa likamasipala liza kumnceda ahlomle ngokusemthethweni.



**PROPOSED SUBDIVISION, A RIGHT OF WAY  
SERVITUDE AND THE IMPOSITION OF A HEIGHT  
RESTRICTION**

**ERF 11473 HERMANUS**

**OVERSTRAND MUNICIPALITY**

## MOTIVATION REPORT

### 1. BACKGROUND

Plan Active Town and Regional Planners has been appointed by Mr. W.A. Cooke and Mrs. C. Cooke, the registered owners of Erf 11473 Hermanus, to prepare and submit a land use application. The application entails the proposed subdivision of the property, the registration of a right-of-way servitude, and the imposition of a height restriction.

Erf 11473 is currently developed with a primary dwelling situated in the southeastern portion of the site, and a cottage located on the northern portion. The proposed subdivision will not result in any building line encroachments relative to the anticipated new cadastral boundary.

The property is held under Title Deed T48551/2016 and is registered in the names of Mr. and Mrs. Cooke. Erf 11473 measures 1,784 m<sup>2</sup>, nearly twice the size of a typical residential erf within the Eastcliff area. It is located in a well-established, upmarket residential neighbourhood, and the proposed subdivision is consistent with the prevailing spatial character of the area.

### 2. APPLICATION DETAILS

This application is submitted in terms of the Overstrand Municipality's Amended By-Law on Municipal Land Use Planning, 2020. Specifically, it is made in accordance with:

- Chapter 4, Section 16(2)(d): Application for the subdivision of Erf 11473 Hermanus in order to create one additional erf;

- Chapter 4, Section 26(1)(h)(iii): Exempted application for the imposition of a height restriction;
- Chapter 4, Section 26(1)(h)(v): Exempted application for the granting of a right of way servitude;

### **3. NEED AND DESIRABILITY**

#### **3.1 PROPERTY DESCRIPTION**

Erf 11473 Hermanus is situated in Eastcliff, a well-established and sought-after residential suburb within the town of Hermanus. The property's location is illustrated on the locality map included below. For broader spatial context and a clearer understanding of its position within the urban fabric, please refer to the attached locality map accompanying this application.



The property measures 1,784 m<sup>2</sup> in extent and is held under Title Deed No. T48551/2016.

It is currently developed with a main dwelling, a cottage, and a well-established garden. These elements collectively enhance the property's aesthetic appeal and contribute to its overall functional amenity.





The surrounding erven within Eastcliff are similarly zoned for single residential purposes, reinforcing the cohesive suburban character of the area and supporting the established low-density residential form that defines the neighbourhood.

### **3.4 THE POTENTIAL OF THE PROPERTY**

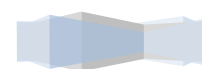
Erf 11473 Hermanus presents a unique opportunity for subdivision, as it is significantly larger than the average single residential erf within the surrounding block. Several nearby properties along Luyt Street have previously been subdivided, indicating a precedent for such land use adjustments in the immediate vicinity. Notable examples include:

- Erf 7552 Hermanus at 29 Luyt Street (located across the road from Erf 11473) — 627 m<sup>2</sup>
- Erf 1083 Hermanus at 37 Luyt Street — 496 m<sup>2</sup>
- Erf 1193 Hermanus at 45 Luyt Street — 591 m<sup>2</sup>
- Erf 1078 Hermanus at 47 Luyt Street — 720 m<sup>2</sup>

By comparison, Erf 11473 measures 1,784 m<sup>2</sup>, making it substantially larger than these neighbouring erven. The site layout—featuring a main dwelling on the southeastern portion and a cottage on the northern portion—further enhances its suitability for subdivision. This configuration enables the northern portion, including the existing cottage, to function as a newly created erf, while the main dwelling would remain on the remainder of the parent erf.

The mature garden and ample open space reinforce the feasibility of the proposed subdivision, allowing it to be implemented in a manner that maintains privacy, preserves visual character, and complements the established neighbourhood context.

In conclusion, the generous extent, existing built form, and spatial configuration of Erf 11473 collectively support a sensitive and policy-aligned subdivision. The proposal optimises the residential development potential of the site without compromising the character or amenity of the surrounding area.



### 3.5 PROPOSAL

This application proposes the following land use actions for Erf 11473 Hermanus in terms of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020:

- Chapter 4, Section 16(2)(d): Application for the subdivision of Erf 11473 Hermanus in order to create one additional erf;
- Chapter 4, Section 26(1)(h)(iii): Exempted application for the imposition of a height restriction;
- Chapter 4, Section 26(1)(h)(v): Exempted application for the granting of a right of way servitude;

#### 3.5.1 Proposed Subdivision

The proposal entails the subdivision of Erf 11473 Hermanus to create one additional erf and a remainder. The subdivision will result in the following configuration:

- Proposed Portion A: Located on the northwestern portion of Erf 11473, with an approximate extent of  $\pm 641 \text{ m}^2$ ;
- Remainder: Occupying the southeastern portion of the erf, with an approximate extent of  $\pm 1,143 \text{ m}^2$ .

Please refer to the subdivision plan abstract below for easy reference:



The existing primary dwelling is located entirely within the southeastern section, which will form the remainder. The existing cottage, positioned on the northern side of the property, will be accommodated within Proposed Portion A. The proposed subdivision will not give rise to any building line encroachments or require modifications to the current built form.

The subdivision boundary has been carefully aligned to reflect the existing site layout, providing both portions with sufficient open space, privacy, and functional separation. The proposal ensures that each erf maintains independent access and development rights consistent with the provisions of the Residential Zone 1 zoning designation.

Overall, the proposed subdivision represents a context-sensitive and policy-compliant intervention. It respects the intent of the original township layout while enabling the optimal utilisation of land within the existing urban footprint.

### **3.5.2 Proposed exempted application for: Imposition of a Height Restriction**

At the request of the owners of Erf 11473 Hermanus, this application includes the imposition of a site-specific height restriction on Proposed Portion A. This measure is intended to preserve the residential amenity and spatial quality of the Remainder of Erf 11473 Hermanus, which contains the main dwelling.

The proposed height restriction is motivated by the spatial relationship between the two portions. The garden and swimming pool area associated with the main dwelling are situated directly adjacent to the proposed subdivision line, facing onto proposed Portion A. These outdoor spaces are integral to the functional and recreational use of the property and are sensitive to the potential impacts of overshadowing, overlooking, and visual enclosure.

To address these concerns, the apex of the existing single-storey cottage on Proposed Portion A was surveyed to determine an appropriate height threshold. Please refer to the attached survey plan compiled by Geomatic Africa Land Surveying Consultants. The apex was measured at 29.10 metres above sea level, and it is proposed that this elevation be imposed as the maximum permissible building height for any future development on proposed Portion A.

This height restriction will be registered in favour of the Remainder, ensuring that the future development rights on Portion A are appropriately limited to safeguard the privacy, sunlight access, and visual openness of the remainder's outdoor living areas. It further provides assurance that the character and amenity of the property will be preserved, particularly with respect to the key interface between the two newly created portions.

By adopting this proactive and site-responsive approach, the proposed restriction supports a balanced outcome that enables densification through subdivision while mitigating the potential impact on adjoining private open space. The restriction is aligned with good urban design principles and contributes to a context-sensitive planning solution.

### 3.5.3 Proposed exempted application for: Granting of a Right of Way Servitude

In considering the existing built form, the position of the cottage, and the layout of the driveway on Proposed Portion A, it was determined that the most practical and contextually appropriate solution would be to retain the current vehicular access arrangement for the Remainder of Erf 11473 Hermanus.

To facilitate this, a 5.5-metre-wide right of way servitude is proposed along the southwestern boundary of proposed Portion A. This servitude will allow continued vehicular access to the remainder by utilising the existing driveway infrastructure currently located within Portion A. Please refer to the subdivision plan abstract below for easy reference:



The proposed servitude will be  $\pm 93.5 \text{ m}^2$  in extent and will be formally registered in favour of the Remainder of Erf 11473 Hermanus. As part of this proposal, the existing entrance gate will be removed, and a new access gate will be constructed on the proposed common

boundary between the Remainder and Portion A, aligning with the existing driveway to maintain functional connectivity.

This approach ensures an efficient use of existing infrastructure, reduces the need for new driveways or disruptive access construction, and preserves the established movement pattern on the property. The proposed servitude will not detract from the usability or development potential of Portion A and is in keeping with sound land use planning principles.

The servitude arrangement provides a logical and equitable solution that supports the long-term viability of both resulting portions, without introducing traffic or access-related impacts to the surrounding neighbourhood.

### **3.6 ECONOMIC IMPACT**

The proposed subdivision of Erf 11473 Hermanus will result in a modest intensification of land use that aligns with the prevailing residential character of the Eastcliff area, while also yielding positive economic benefits at both the local and municipal levels.

By creating an additional residential erf, the proposal supports more efficient use of urban land within an established suburb, consistent with principles of spatial sustainability. The subdivision enables the formalisation of the existing cottage on a separate erf, thereby unlocking latent property value and facilitating reinvestment in the local housing market.

The project is likely to generate short-term economic activity through professional services (planning, surveying, legal registration) and construction work. In the longer term, the creation of a new, separately registered erf contributes to the local rates base, which in turn supports municipal revenue generation and service delivery.

Importantly, the proposal does not introduce any commercial or high-impact uses that could disrupt the area's residential character or negatively affect surrounding property values. Instead, it enhances the financial viability of the property without compromising the environmental, social, or spatial qualities of the neighbourhood.

Overall, the proposed land use changes represent a low-impact, economically rational intervention that contributes to the sustainable intensification of the urban fabric while maintaining alignment with market demand and planning policy objectives.

### **3.7 SOCIAL IMPACT**

The proposed subdivision of Erf 11473 Hermanus is anticipated to have a neutral to positive social impact on the surrounding community. Located within the established and low-density residential suburb of Eastcliff, the proposal respects the existing urban fabric and does not introduce any land use changes that would result in adverse social consequences.

By enabling the formal creation of an additional residential erf, the application modestly increases housing opportunities within a desirable and well-located neighbourhood. This contributes to more efficient use of land within the urban edge, in line with municipal goals for sustainable development and inclusive growth.

The layout of the subdivision has been sensitively designed to maintain privacy and amenity for both resulting portions. The proposed height restriction and right-of-way servitude are further evidence of the owners' efforts to mitigate any potential conflict between future neighbours, ensuring continued harmony between landowners.

The proposal also upholds the character and identity of the Eastcliff community, reinforcing its established residential nature without altering the demographic composition, infrastructure capacity, or social dynamics of the area.

In summary, the subdivision facilitates responsible land use while preserving neighbourhood cohesion, supporting a socially balanced and context-sensitive outcome.

### **3.8 COMPATIBILITY WITH SURROUNDING LAND USES**

The proposed subdivision of Erf 11473 Hermanus is fully compatible with the surrounding land uses and urban character of the Eastcliff area. The neighbourhood is characterised by low-density, single residential properties, many of which are of similar configuration and zoning (Residential Zone 1: Single Residential).

The subdivision will result in two residential portions, both of which are consistent with the existing zoning and built form in the area. No change in land use or intensity is proposed beyond what is already permitted under the applicable zoning regulations. The existing cottage is already integrated into the fabric of the site and does not introduce new visual or functional impacts.

Furthermore, the subdivision respects the established development pattern of the neighbourhood, including erf sizes, building setbacks, and landscaping elements. Several surrounding properties in Luyt Street have already been subdivided into erven of smaller sizes than those proposed, demonstrating a precedent for this type of land use and reinforcing its contextual appropriateness.

The inclusion of a height restriction and right-of-way servitude further supports compatibility by ensuring that privacy, access, and visual character are preserved. These measures protect the residential amenity of both the proposed Portion A and the remainder of the property, while maintaining consistency with the scale and rhythm of surrounding properties.

In conclusion, the proposed subdivision and associated land use arrangements are in harmony with the surrounding residential environment, and will not detract from the character, function, or amenity of the broader Eastcliff neighbourhood.

### **3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES**

The proposed subdivision of Erf 11473 Hermanus is expected to have a minimal impact on external engineering services. The property is located within a fully serviced urban area, with established connections to municipal infrastructure including water, sewerage, electricity, and refuse collection.

As the existing cottage on the proposed Portion A is already developed and connected to municipal services, no additional bulk infrastructure upgrades are anticipated. The existing service capacity is sufficient to accommodate the creation of one additional residential erf without placing undue pressure on the network or requiring augmentation of external infrastructure.

Any minor service adjustments—such as the formalisation of independent connections for water and electricity, or the creation of a new municipal account—can be readily accommodated within the existing municipal systems and will be implemented in accordance with the requirements of the Overstrand Municipality.

Refuse collection for both erven can continue via the existing street frontage, and stormwater management will remain unchanged, with both portions retaining sufficient open space for on-site infiltration and control.

In summary, the subdivision represents a low-impact intervention with respect to engineering services. It leverages existing infrastructure capacity, complies with municipal servicing standards, and does not require external capital investment or service expansion.

### **3.10 IMPACT ON HERITAGE**

The proposed subdivision of Erf 11473 Hermanus will have no negative impact on heritage resources. The property is not located within a formally designated heritage area, nor is it identified as containing any structures of historical or architectural significance as per the Overstrand Heritage Inventory or the South African Heritage Resources Agency (SAHRA) registers.

Both the main dwelling and the existing cottage are of modern construction and do not exhibit heritage characteristics that would warrant formal protection. The surrounding area of Eastcliff, while established and mature in character, is similarly composed of predominantly contemporary residential properties and does not constitute a heritage conservation precinct.

Furthermore, the proposed subdivision will not alter the streetscape or introduce new built form beyond what already exists on the property. The proposed height restriction and retention of mature garden features will help maintain the visual continuity of the area, reinforcing the neighbourhood's character without compromising any cultural or historical value.



As a precautionary measure, the proposed application remains compliant with the requirements of the National Heritage Resources Act (Act 25 of 1999), and no heritage-related triggers have been identified that would necessitate consultation with Heritage Western Cape or a heritage impact assessment.

In conclusion, the proposal poses no risk to heritage resources and is fully compatible with the existing historical and cultural context of the area.

### **3.11 IMPACT ON THE BIOPHYSICAL ENVIRONMENT**

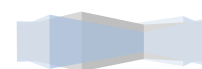
The proposed subdivision of Erf 11473 Hermanus is expected to have a negligible impact on the biophysical environment. The property is situated within an established urban residential area and has already been fully developed with a main dwelling, a cottage, landscaped gardens, and associated infrastructure.

No areas of natural vegetation, environmentally sensitive habitats, or protected ecosystems are present on the site. The proposed subdivision does not entail any new building work beyond what currently exists, nor does it involve disturbance to undisturbed land or ecological corridors.

The garden areas on both the proposed Portion A and the Remainder are well-maintained and landscaped with ornamental vegetation. These will be retained post-subdivision, ensuring continued greenery and stormwater infiltration, and contributing to local biodiversity in a limited but positive manner.

Additionally, the development falls within the urban edge and does not trigger any requirements for environmental authorisation under the National Environmental Management Act (NEMA), as no listed activities are proposed.

In conclusion, the proposal is fully compatible with the surrounding built environment, involves no clearance of indigenous vegetation or impact on ecological systems, and aligns with the principles of environmentally responsible land use management.



### **3.12 TRAFFIC IMPACT, PARKING AND ACCESS**

The proposed subdivision of Erf 11473 Hermanus into two single residential erven is anticipated to have a negligible impact on traffic volumes in the Eastcliff neighbourhood. The area is characterised by low-density residential development, and the introduction of one additional dwelling unit will result in only a minor increase in vehicular activity—well within the capacity of the existing local road network.

Vehicular access to both the proposed Portion A and the Remainder will be obtained via Luyt Street, which currently provides access to the property. It is envisaged that Portion A may continue to utilise the existing driveway infrastructure, over which a right-of-way servitude will be registered in favour of the Remainder of Erf 11473. This arrangement allows for the logical retention of existing access infrastructure while preserving flexibility for future owners of Portion A to establish a separate access point if desired.

Final access design for Portion A will be determined in accordance with the preferences and requirements of its future owners but will be implemented in a manner that ensures safe and convenient ingress and egress. No upgrades or alterations to the surrounding road infrastructure are required.

With respect to parking, both erven are capable of accommodating on-site parking in compliance with the Overstrand Zoning Scheme's requirements for single residential use. As such, the subdivision will not place additional pressure on public or on-street parking and will preserve the visual and functional character of the streetscape.

In conclusion, the proposed subdivision is fully compliant with all applicable traffic, access, and parking regulations, and will not result in any adverse impacts on the surrounding transport network.

### **3.13 TITLE DEED**

Erf 11473 Hermanus is registered in the names of Mr. W.A. Cooke and Mrs. C. Cooke under Title Deed No. T48551/2016.

A detailed examination of the title deed confirms that there are no restrictive conditions that would prohibit or adversely affect the proposed land use actions, namely the subdivision, the imposition of a height restriction, and the registration of a right-of-way servitude.

A mortgage bond is currently registered against the property. In accordance with statutory requirements, written consent from the bondholder, First National Bank, has been obtained and is enclosed with this application.

### **3.14 FORWARD PLANNING AND LAND USE DOCUMENTS**

The proposed subdivision of Erf 11473 Hermanus is fully aligned with the applicable forward planning policies and spatial development frameworks guiding land use within the Overstrand Municipality.

In terms of the Overstrand Spatial Development Framework (SDF), 2020, the subject property is situated within an area designated for urban development purposes. The SDF advocates for the efficient and sustainable use of urban land through infill development and context-sensitive densification, particularly in well-established residential neighbourhoods with existing infrastructure and service networks. The proposed subdivision is consistent with these objectives, as it restores the property's historical two-erf layout without increasing land use intensity beyond permissible zoning thresholds.

The subject property also falls within Planning Unit 14 as identified in the Overstrand Municipal Growth Management Strategy. This planning unit encompasses the eastern portion of the Hermanus CBD, including the high-income residential area of Eastcliff. The strategy specifically supports incremental densification through subdivision—particularly for second and third dwelling units—within approximately 20% of the area. The objective is to promote sustainable urban growth while maintaining the residential character of the area. The proposed subdivision of Erf 11473 Hermanus aligns directly with this densification goal and contributes to the broader planning target of increasing residential density from 4.9 to 6.4 dwelling units per hectare, without compromising the established urban structure or amenity.

The proposed subdivision of Erf 11473 Hermanus is a contextually appropriate and policy-aligned intervention that supports the principles of sustainable urban development as outlined in the Overstrand Spatial Development Framework (2020) and the Municipal Growth Management Strategy. By enabling low-impact residential intensification within a serviced, high-amenity area, the application contributes to the broader objectives of spatial efficiency, infill development, and managed densification in Planning Unit 14—without compromising neighbourhood character or infrastructure capacity.

### **3.15 PLANNING PRINCIPLES**

The proposed subdivision, imposition of a height restriction, and registration of a right-of-way servitude for Erf 11473 Hermanus aligns with the core spatial planning principles as set out in the Spatial Planning and Land Use Management Act (SPLUMA), 2013. These principles provide the foundation for all land development in South Africa and aim to promote sustainable, inclusive, and equitable spatial outcomes. The proposal demonstrates alignment with the following key SPLUMA principles:

**Spatial Justice:** The application supports the principle of spatial justice by promoting equitable access to well-located urban land through appropriate densification. It makes efficient use of existing residential land within the urban edge, helping to reverse patterns of underutilisation and exclusivity in historically low-density areas such as Eastcliff.

**Spatial Sustainability:** The subdivision contributes to the sustainable use of urban land by promoting infill development in a fully serviced, well-connected residential area. It supports a compact urban form, reduces pressure on peripheral expansion, and makes optimal use of existing municipal infrastructure and services.

**Spatial Resilience:** The application enhances spatial resilience by allowing for flexible and adaptable land use within an established urban area. The introduction of a site-specific height restriction and access servitude ensures long-term compatibility between erven and mitigates potential land use conflicts, thus fostering a durable and context-sensitive urban environment.

**Efficiency:** The proposed subdivision promotes efficient land use and infrastructure utilisation by leveraging existing services, road access, and built form. It avoids unnecessary duplication of infrastructure and contributes to improved service delivery per capita within the existing urban footprint.

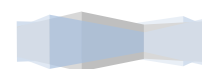
**Good Administration:** Our firm is committed to upholding the principle of good administration and will cooperate fully with the Overstrand Municipality throughout the land use application process. The application will be processed in accordance with the Overstrand Municipality's Amended By-Law on Municipal Land Use Planning, 2020, as well as applicable provincial and national legislation. Every effort will be made to ensure transparency, procedural fairness, and timeous delivery within statutory timeframes.

In summary, this application embodies a forward-thinking and policy-aligned approach to land use planning. It responds sensitively to the site's physical context while advancing the broader goals of spatial transformation, equity, and sustainability as envisaged by SPLUMA. Through this proposal, the values of justice, efficiency, resilience, and responsible urban growth are reinforced within the evolving spatial framework of Hermanus.

#### **4. RECOMMENDATION**

It is recommended that the Overstrand Municipality approve the proposed land use application for the subdivision, imposition of a height restriction, and registration of a right-of-way servitude on Erf 11473 Hermanus, based on the following key considerations:

- The application is fully compliant with the Overstrand Municipality's Amended By-Law on Municipal Land Use Planning, 2020, and the Overstrand Zoning Scheme.
- The subdivision is spatially and functionally compatible with the existing residential character of the Eastcliff neighbourhood and aligns with the prevailing pattern of residential development in the area.



- The proposal is consistent with the policy directives of both the Overstrand Spatial Development Framework (2020) and the Municipal Growth Management Strategy, which promote responsible infill development and context-sensitive densification.
- The introduction of a height restriction and right-of-way servitude demonstrates a sensitive and site-specific approach to mitigating potential impacts between the newly created erven, thereby protecting privacy, amenity, and visual character.
- The property is fully serviced and located within the urban edge, and the proposal places no undue burden on municipal engineering infrastructure or traffic systems.
- The proposal aligns with the spatial planning principles set out in SPLUMA (2013), promoting justice, sustainability, efficiency, resilience, and good governance.

In light of the above, the application represents a responsible, policy-aligned, and sustainable form of land use management and is therefore supported for approval.



