



**OVERSTRAND MUNISIPALITEIT**  
**ERF 1540, LANGSTRAAT 5, SANDBAAL:**  
**AANSOEK OM ONDERVERDELING:**  
**WILLIE STEYN**  
**GRONDGEBRUIKBEPLANNER (nms SA**  
**SMOOK)**

Kragtens Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee dat 'n aansoek ingevolge Artikel 16(2)(d) van die Verordening ontvang is, vir die onderverdeling van Erf 1540, Sandbaai in twee gedeeltes naamlik, Gedeelte A ( $\pm 658\text{m}^2$ ) en 'n Restant ( $\pm 725\text{m}^2$ ).

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

Enige kommentaar moet skriftelik wees en dié Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) bereik voor of op **21 Oktober 2022**, met u naam, adres, kontakbesonderhede, belang in die aansoek, asook die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr. H. Boshoff** by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, **HERMANUS**, 7200

Munisipale Kennisgewing Nr. **113/2022**

**OVERSTRAND MUNICIPALITY**  
**ERF 1540, 5 LONG STREET, SANDBAAL:**  
**APPLICATION FOR SUBDIVISION:**  
**WILLIE STEYN LAND USE PLANNER**  
**(obo SA SMOOK)**

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), that an application has been received in terms of Section 16(2)(d) of the By-Law for the subdivision of Erf 1540, Sandbaai in two portions namely; Portion A ( $\pm 658\text{m}^2$ ) and a Remainder ( $\pm 725\text{m}^2$ ).

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

Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **21 October 2022**, with your name, address, contact details, interest in the application, as well as the reasons for comment. Telephonic inquiries can be made to the **Town Planner, Mr. H. Boshoff** 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 Planning Department where they will be assisted by a municipal official in formulating their comments.

Municipal Manager, Overstrand Municipality, P.O. Box 20, **HERMANUS**, 7200

Municipal Notice No. **113/2022**

**UMASIPALA WASE-OVERSTRAND**  
**ISIZA 1540, 5 LONG STREET,**  
**SANDBAAL: ISICELO SEMVUME**  
**YOSETYENZISO, SOPHAMBUKO**  
**NOKULUNGISWA KWESICWANGCISO**  
**SOPHUHLISO LWESIZA: WILLIE STEYN**  
**LAND USE PLANNER (obo SA SMOOK)**

Isaziso sinikwe ngokwemiqathango yeCandelo 47 & 48 loMthetho oYilwayo kaMasipala oLungisiweyo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala) sezi zicelo zilandelayo ezibhekiselele kwiSiza 1540, eSandbaai (ipropati) eyiyile ukuba isicelo sifunyenwe ngokweCandelo le-16(2)(d) loMthetho kaMasipala wokwahlulwa kweSiza 1540, eSandbaai ngokwezahlu ezibini ezizezi; Isahlulo A ( $\pm 658\text{m}^2$ ) kunye neNtsalela ( $\pm 725\text{m}^2$ ).

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ngeentsuku zomsebenzi phakathi kweyure yesi-08:00 neye-16:30 kwiSebe: loCwangciso lweDolophu, 16 Paterson Street, Hermanus.

Naziphi na izimvo mazibhalwe phantsi kwaye zifike kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphambi koko **21 uOktobha 2022**, kunye negama lakho, idilesi, iinkcukacha zoqhagamshelwano, umdla kwisicelo, kunye nezizathu zokuphawula. Imibuzo ngomnxeba ingenziwa kuMchwangcisi weDolophu, uMnu. H. Boshoff kule nombolo 028-3138900. UMasipala unokwala ukwamkela izimvo emva komhla wokuvala. Nabani na ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe loCwangciso lweDolophu apho aya kuthi ancediswe ligosa likamasipala ekuqulunqeni izimvo zabo.

Umlawuli kaMasipala, UMasipala wase-Overstrand, P.O. Box 20, **HERMANUS**, 7200

Isaziso sikaMasipala esinguNombolo **113/2022**



Surveyor General W.C. Department of Rural Development and  
 Chief Surveyor - Gene  
 Department of Rural Development and



**WILLIE STEYN**  
 Tchn. Pln (B/8074/1998)  
**LAND USE PLANNER**  
 082 757 2449

**ERF 1540 SANDBAAI  
 LOCATION**

Ref.  
 S11  
 Date  
 15/3/2022

Base Info  
 CFM  
 Scale  
 NTS



## 1. REFERENCE

The report is in support of an application for the subdivision of Erf 1540 Sandbaai into a Portion A (658 m<sup>2</sup>) and a Remainder (725 m<sup>2</sup>) as indicated on the Plan of Subdivision included with the application.

### Legislative Reference

Section 16(2) of the Overstrand Municipality Bylaw on Municipal Land Use Planning, read with Section 41(1) of the Spatial Planning and Land Use Management Act, No. 16 of 2013 and Section 35(1) of the Western Cape Land Use Planning Act, No. 3 of 2014.

## 2. PROPERTY OWNER / APPLICANT

Susan Antoinette Smook

## 3. DEVELOPMENT PROPOSAL

Proposed Subdivision	Subdivision of Erf 1540 Sandbaai into Portion A (658 m <sup>2</sup> ) and a Remainder (725 m <sup>2</sup> ), all zoned Residential Zone 1 as indicated on the Plan of Subdivision included with the application.
Proposed Services	Water provision: From existing water reticulation network in Jan van Riebeeck Crescent and Long Street
	Sewage disposal: To existing sewerage reticulation network in Jan van Riebeeck Crescent
	Stormwater disposal: Surface stormwater drainage channels available in both Jan van Riebeeck Crescent and Long Street, which feed into an underground stormwater reticulation networks
	Refuse removal: Existing kerbside removal service
	Electricity: Existing network
Proposed Access	From Jan van Riebeeck Crescent and Long Street

## 4. PROPERTY INFORMATION

Description	Erf 1540 Sandbaai
Location	c/o Jan Van Riebeeck Crescent and Long Streets, Sandbaai
Municipality	Overstrand Municipality
Magisterial District	Caledon
Zoning Scheme	Overstrand Municipality Land Use Scheme 2020
Existing Zoning	Residential Zone 1
Existing Primary Uses	None
Existing Utilisation	Vacant
Extent	1383 m <sup>2</sup>

Existing Access	From Jan van Riebeeck Crescent and Long Streets
S-G Diagram	1078/88
Deed of Transfer	T9804/2019
Restrictive Title Deed Conditions	None affecting the subdivision of the property
Servitudes	None
Bond Holder	Absa Bank Ltd

## 5. OTHER RELEVANT LAWS

Section 66 of the Overstrand Municipality Bylaw on Municipal Land Use Planning determines that the municipality must have regard to investigations i.t.o. other relevant laws when considering a land use application.

### 6.1 National Heritage Resources Act 1999

Not applicable

### 6.2 National Environmental Management Act 1998

Not applicable

### 6.3 Advertising on Roads and Ribbon Development Act 1940

Not applicable

## 6. SITE EVALUATION

### 6.1 Surrounding Area

The subject erf is located in Sandbaai, a residential town in the Greater Hermanus conglomerate, and is surrounded by other residential erven, varying in size between 647 m<sup>2</sup> (Erf 2301) and 1117 m<sup>2</sup> (Erf 529).

### 6.2 Site

Erf 1540 was established in 1988 as a consolidation of the Remainders of Erven 535 and 536 Sandbaai, which were established in 1932 with the establishment of the Sandbaai Township.

The property is currently vacant with a slight undulating topography on the eastern half thereof. Some mature trees are found on the property, some of which are Milkwood trees and the others Blue Gums.

The property is bordered by Jan van Riebeeck Crescent and Long Street, both surfaced residential access streets in a good condition.



Site as seen from Jan van Riebeeck Crescent



Site as seen from Long Street



Jan van Riebeeck Crescent



Long Street

### 6.3 Access

Access to the subject property is obtained from Jan van Riebeeck Crescent and Long Streets.

## 7. ENGINEERING SERVICES PROVISION AND ACCESS

*In terms of Section 66 of the Overstrand Municipality Bylaw on Municipal Land Use Planning and Section 42(1) of the Spatial Planning and Land Use Management Act 2013, read with Section 35(4), the municipality must have regard to the impact of the application on the provision of municipal engineering services.*

- a) The proposed land units can be serviced from the existing civil and electrical engineering services infrastructure in Jan van Riebeeck Crescent and Long Street.
- b) Electricity supply and network distribution adequately service the present demand for the area.<sup>1</sup>
- c) According to the bulk services capacity analysis by GLS Engineers included with the application, sewer flow is expected to increase from 0,3 kl/d (as allowed for in the Overstrand Sewer Master Plan 2021) for the existing erf to 0,8 kl/d for the two erven. Sufficient capacity is available at the Hermanus waste water treatment works and in the Sandbaai pump station drainage area to accommodate the proposed subdivision. Although the existing sewerage reticulation network in Jan van Riebeeck Crescent and Long Street is a smallbore system of 75 mm diameter, the network can accommodate the proposed subdivision provided that use is made of an on-site septic tank to retain solids.
- d) The capacity analysis by GLS Engineers furthermore concluded that water demand is expected to increase from 0,6 kl/d (as allowed for in the Overstrand Water Master Plan 2021) to 1,2 kl/d. While the bulk water network servicing Sandbaai is in need of repair and upgrade, the network can accommodate the proposed subdivision. Upgrading and extension of the 50 mm diameter water pipe in Long Street by the municipality is furthermore recommended, but not essential to accommodate the proposed subdivision.
- e) It is also to be noted that the proposed subdivision will not result in a change to the permissible usage and building coverage already permitted in terms of the Overstrand Municipality Land Use Scheme 2020 for the existing erf, as set out below:

<sup>1</sup> Page 83 Overstrand SDF 2020

	Existing Erf(1383 m <sup>2</sup> )	Proposed Portion A (658 m <sup>2</sup> )	Proposed Remainder (725 m <sup>2</sup> )
Permissible usage	Creche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering	Creche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering	Creche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering
Max. permissible coverage	50% (692 m <sup>2</sup> )	50% (329 m <sup>2</sup> )	50% (363 m <sup>2</sup> )
Total: 692 m <sup>2</sup>			

- f) A solid waste collection service is available for the area.
- g) Access to the existing erf can be obtained from both Jan van Riebeeck Crescent and Long Street. Although access from Long Street to the proposed Remainder is partially blocked by a retaining wall in Long Street, use can be made of the existing driveway in Long Street to abutting Erf 538 to also obtain access to the proposed Remainder.

See also the Capacity Analysis for Bulk Water and Sewer Services by GLS Engineers included with the application.

## 8. OVERSTRAND MUNICIPALITY LAND USE SCHEME 2020

*In terms of Section 66 of the Overstrand Municipality Bylaw on Municipal Land Use Planning, the municipality must have regard to the applicable provisions of the Overstrand Land Use Scheme 2022 (OMLUS) in evaluating the application.*

Applicable provisions	Comments		
<b>Existing Zoning</b>	The subject property is zoned Residential Zone 1. The proposed subdivision does not necessitate a change of zoning.		
<b>Building Development Parameters</b> (Chapter 6.1 & 17 of the OMLUS)		Required	Comments
	Street building lines	4,0 m	All the parameters of Residential Zone 1 can be complied with on both proposed land units and dwellings of up to 329 m <sup>2</sup> and 362 m <sup>2</sup> coverage would still be erectable on the land.
	Side and rear building lines	2,0 m	
	Coverage	Max. 50%	
	Height	Max. 8,0 m	
Parking	2 on-site bays		
<b>General Provisions</b> (Chapter 16 of the OMLUS)	None of the general provisions of the OMLUS are applicable to the proposed subdivision.		
<b>Subdivision of Land</b> (Chapter 18 of the OMLUS)	The proposed subdivision is consistent with the average size and density of surrounding properties (see Section 6 above).		

## 9. SPATIAL FRAMEWORKS

*In terms of Section 66 of the Overstrand Municipality Bylaw on Municipal Land Use Planning, Section 49 of the Western Cape Land Use Planning Act 2014 and Section 42(1) of the Spatial Planning and Land Use Management Act 2013 the municipality must have regard to applicable municipal, district, regional and provincial IDP's, SDP's or structure plans when considering a land use application and may not make a decision which is inconsistent with norms, standards and measures designed to protect and promote the sustainable use of agricultural land, national and provincial government policies and the municipal spatial development framework.*

*In terms of Section 22 of the of the Spatial Planning and Land Use Management Act 2013 a Municipal Planning Tribunal (MPT) or any other authority mandated to make a decision i.t.o. the Act or any other law relating to land development, may not make a decision which is inconsistent with a municipal spatial development framework (MSDF), provided that such a MPT or other authority may depart from the provisions of a MSDF if site-specific circumstances justify such departure and provided that Section 42 of the Act is being complied with. Consistent is understood to mean that although the MSDF may not specifically provide for the utilisation of the land as proposed, the proposal is neither in conflict with the MSDF.*

### 9.1 Municipal Spatial Development Framework 2020 (MSDF)

The subject property is located in an area identified by the MSDF for urban development inside the urban edge for the Greater Hermanus urban conglomerate. No specific urban development proposals are made for the subject property. The proposed subdivision is therefore regarded consistent with the MSDF.

#### References

Plan 59 of the MSDF

As spatial development frameworks are the spatial implementation tool of integrated development plans and municipal development plans are to be aligned with provincial development plans<sup>2</sup>, the municipal spatial development framework is regarded as the most applicable planning policy to guide decision making in respect of this application.

## 10. DEVELOPMENT PRINCIPLES

*In terms of Section 42(1) of the Spatial Planning and Land Use Management Act of 2013, Section 58 of the Western Cape Land Use Planning Act of 2014 and Section 66 of the Overstrand Municipality Bylaw on Municipal Land Use Planning, decision makers must, in considering and deciding any application that impacts on the utilisation and development of land, be guided by the development principles set out in respectively Chapter 2 and Section 59 of the Acts.*

### a) Spatial Justice

The proposed subdivision will enable the land owner to optimise the utilisation of her land asset into 2 alienable land units and liquidate a portion of her land as a method of capital gain on her land investment.

### b) Spatial Sustainability

An additional residential land unit will be created without taking up virgin or agricultural land for development. In addition, there will also be no change to the total permissible residential building coverage already permitted on the existing erf and hence no additional strain will be put on the provision of bulk municipal engineering services to the existing urbanised area (see Section 7 above).

<sup>2</sup> Section 10(3) of the Western Cape Land Use Planning Act of 2014

c) Efficiency

The subdivision of existing residential erven is an efficient method of increasing residential densities inside existing urban areas and thus utilising existing services and infrastructure more efficiently.

d) Good Administration

The requirements for the assessment of a land use application as set out in SPLUMA, LUPA and the Drakenstein Municipal Land Use Planning Bylaw are addressed in this report.

e) Spatial Resilience

The proposed subdivision will provide flexibility in the way the land can be owned and financed, e.g. the current land owner can continue owning both proposed land units but register separate bonds against the proposed erven to independently finance the erection of dwellings, or one of the land units can be sold to liquidate a portion of the owner's land investment for the erection of a dwelling on the one land unit.

## 11. DESIRABILITY

*In terms of Section 55 of the Western Cape Land Use Planning Act 2014 and Section 66 of the Overstrand Municipality Bylaw on Municipal Land Use Planning a municipality must have regard to the desirability of a proposed land use and any guidelines issued by the Provincial Minister regarding the desirability of the proposed land use when considering a land use application.*

a) Land Usage

The proposed subdivision will revert to the original erf density of the Sandbaai township when it was established in 1932 and will accordingly be compatible with the planned residential density and subdivision pattern of the neighbourhood.



Extract 1932 General Plan TP22<sup>R</sup>

The subject property is furthermore located in an area in Sandbaai where the current surrounding residential erf sizes vary between 647 m<sup>2</sup> (Erf 2301) and 1117 m<sup>2</sup> (Erf 529). The surrounding area is therefore not of a homogenous subdivided nature in terms of erf sizes and the proposed subdivision will accordingly be compatible with the existing subdivision pattern of the surrounding area.

The proposed land units will be conventionally configured and dimensioned, which will allow to the development thereof for conventional residential purposes.

b) Physical Site Conditions

There are no physical site conditions which restrict or impact on the proposed subdivision. Although the proposed Remainder has a slight undulating topography, the nature thereof is not such that it will prevent the erection of a dwelling on the land.

c) Transportation and Traffic Conditions

The proposed subdivision will not result in a significant increase in traffic and traffic will remain residential in nature.

Access is available from Jan van Riebeeck Crescent and Long Streets to the proposed land units. Although access from Long Street to the proposed Remainder is partially blocked by a retaining wall in Long Street, use can be made of the existing driveway in Long Street to abutting Erf 538 to also obtain access to the proposed Remainder.

d) Natural and Manmade Environment

The character of the subject property will remain of a conventional residential nature.

The Milkwood trees on the subject property will be positioned on the building lines of the proposed land units and will not affect the erection of dwellings, i.e. suitable and sufficient space will be available on both proposed land units to erect dwellings without impacting on the Milkwood trees.

e) Cultural and Heritage Resources

No heritage resources are affected by the proposed subdivision.

f) Safety and Welfare of the Community

As the proposed subdivision will be compatible with the land usage, subdivision density and residential erf sizes of the surrounding area, living conditions around the subject site will not be negatively affected.

## 12. CONCLUSION

The proposed subdivision of Erf 1540 Sandbaai:

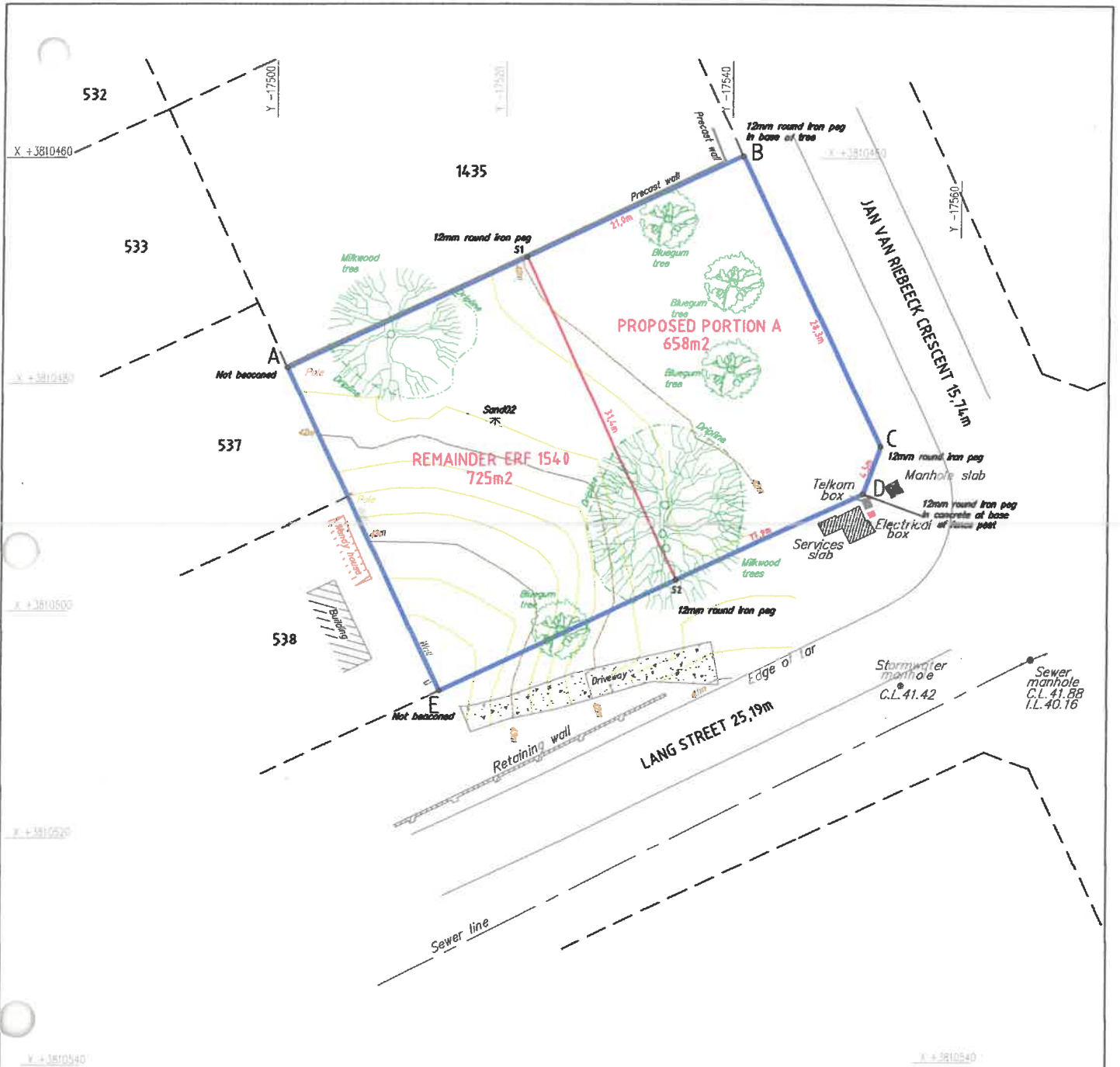
- a) Does not require approval in terms of any other legislation;
- b) Is already being provided with all the required engineering services reticulation networks;
- c) Can comply with the parameters of the Overstrand Municipality Land Use Scheme 2020;
- d) Is compliant with the Overstrand SDF;

- e) Is compliant with development principles set out in SPLUMA and LUPA as:
- The land owner will be enabled to liquidate a portion of her land asset
  - No virgin or agricultural land will be developed and no demand will be placed on the provision of additional engineering services
  - Existing infrastructure will be efficiently utilised
  - Good administrative practice is being followed in the submission of the application
  - Flexibility will be provided in the way the land and buildings can be owned and financed; and
- f) Is a desirable land use as:
- As the subdivision will be compatible with the existing subdivision pattern of the surrounding area
  - The proposed land units will be suitably configured
  - Physical site conditions are suitable for the proposed subdivision
  - There will be no impact on traffic conditions
  - The natural and manmade environment will not change
  - Heritage resources will not be affected
  - Living conditions on and around the subject property will not be affected.

**WJ STEYN**

Tch. Pln (B/8084/1998)

Date: 25/4/2022



- A) FIGURE ABCDE REPRESENTS ERF 1540 SANDBAAI, IN EXTENT 1383 m2 AND ZONED RESIDENTIAL ZONE 1 (OVERSTRAND MUNICIPALITY LAND USE SCHEME 2020)
- B) ERF 1540 IS TO BE SUBDIVIDED INTO PORTION A (658 m2) AND A REMAINDER (725m2) AS INDICATED
- C) BOTH PROPOSED LAND UNITS ARE TO REMAIN ZONED RESIDENTIAL ZONE 1

<b>WILLIE STEYN</b> Tech. Pln (B/8074/1998) <b>LAND USE PLANNER</b> 0827572449 Copyright Reserved	<b>ERF 1540 SANDBAAI</b> <b>PROPOSED PLAN OF SUBDIVISION</b>	<b>Ref.</b> S11	<b>Base Info</b> ALBERT GEIGER	
		<b>Date</b> 29/3/2022	<b>Scale</b> 1 : 500	