

4.2

ERF 1008, 37 JAN VAN RIEBEECK CRESCENT, SANDBAAI: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURES: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF JP MALAN

1008 HSB (5104/2025)

B Minnaar

11 June 2026

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 08 October 2025 from Plan Active Town and Regional Planners on behalf of JP Malan applicable to Erf 1008, Sandbaai for the following:

- ❖ **Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law of condition B.2.(c) & B.2.(d) contained in Title Deed T13555/2000, to accommodate a second dwelling on the property.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the southern lateral building from 2m to 0m to accommodate an outbuilding (garage and storage area) on the property.

The Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the application is attached as Annexure B and the Site Development Plan is attached as Annexure C. Title Deed T13555/2000 is attached as Annexure D.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 1008, Sandbaai is situated at 37 Jan van Riebeek Crescent. The property is zoned as Residential Zone 1, measuring 1392m² in extent and comprising of a dwelling house.

The intent of the application is to accommodate an additional garage and storage area as well as a second dwelling on the property. Therefore, an application for the removal of restrictive title deed conditions and departure has been submitted to accommodate the aforementioned changes to the property.

4. SUMMARY OF APPLICANT'S MOTIVATION

The motivation for the application is summarised as follows:

- The property is zoned for Residential Zone 1: Single Residential.
- The proposal is to accommodate an additional garage and storage area as well as a second dwelling on the property.

- The title deed restricts the property to one dwelling unit and a 4.72m street title deed building line.
- Neighbours consent has been provided to accommodate the garage on the lateral building line.
- The application is submitted for departure from the 2m lateral building line to 0m to accommodate the garage/storage area as well as an application for the removal of title deed restrictive conditions to accommodate a second dwelling.
- The proposal will not negatively impact the surrounding character of the area since there are numerous application that have been approved to accommodate second dwellings in the Sandbaai area.
- The application will not negatively impact on the engineering services.
- The application is not located in the HPOZ or EMOZ overlay zone areas.
- The application is in line with the spatial planning for the area.
- The SPLUMA principles will be discussed in 10.2 of this report.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local Newspaper	Yes	31/10/2025	05/12/2025
Gazette	Yes	31/10/2025	05/12/2025
Notices (<i>possibly affected property owners</i>)	Yes	28/10/2025	05/12/2025
Notices (<i>persons mentioned in title deed</i>)	N/A	28/10/2025	05/12/2025
Internal Departments	Yes	28/10/2025	05/12/2025
Ward councillor	Yes	28/10/2025	05/12/2025
Total comments	TWO (2) OBJECTIONS		
Total letters of support	ONE (1) NO OBJECTION		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly?			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?			Yes
In case of application for removal, amendment or suspension of restrictive title conditions if notices in accordance with Section 35(3)(d) of the By-Law on Municipal Land Use Planning was served on all persons mentioned in the title deed for whose benefit the restriction applies?			Yes

6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments
Building Department	28/10/2025	No objection: All buildings to comply with NBR and all other applicable law.
Waste Management	03/11/2025	No objection.
Fire Department	01/12/2025	The fire department has no objection subjection to compliance with the provision of SANS 10400-A, 10400-T:2024 and the By-Law relating fire safety.
Development Control	15/01/2026	Attached as Annexure G.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Registered letters sent to interested and affected parties; advertisements published in the Village News (local newspaper) and Provincial Gazette as well as a site notice invited the public to comment on the application during public participation.

Two objections were received and one letter of no objection received. Attached as Annexure E.

The applicant was provided with an opportunity to respond to the objection. Attached as Annexure F.

See below a summary of the objections and applicant's response thereon, and also the municipal town planners' comments thereon.

OBJECTION 1
Setting a dangerous precedent / planning anarchy The objector expresses concern that the removal of restrictive conditions could create an uncontrolled precedent allowing widespread disregard for existing planning controls. He further argues that densification policy does not justify the proposal and suggests subdivision instead.
RESPONSE FROM APPLICANT <u>The application does not remove all planning controls</u> • Only outdated title deed restrictions are being removed. • The property remains fully subject to the Overstrand Zoning Scheme Regulations, the Spatial Development Framework (SDF), and the densification strategy, all of which regulate land use, coverage, height, building lines, services and neighbour considerations. • Therefore, no "planning anarchy" is created; on the contrary, the proposal aligns the property with the current statutory planning regime, which takes precedence over restrictive title conditions from the 1950s–1970s. <u>The application is consistent with Overstrand's municipal policy direction</u>

- The Municipal SDF and densification guidelines encourage appropriate infill development and more efficient use of existing serviced land.
- Secondary dwellings, outbuildings and densification through additional units are routine town-planning mechanisms supported across the municipality, including in Sandbaai.

Subdivision is not an appropriate or comparable alternative

- The objector suggests subdivision as a “preferable route,” but subdivision introduces higher service demands, new access points and potential impacts very different from those of a small additional dwelling or second unit.
- The proposed development respects existing bulk, height, character, and municipal service thresholds.
- The zoning scheme already permits two dwellings on the erf if title deed restrictions are removed, demonstrating the municipality’s intended use rights for Residential Zone 1.

No negative impact on spatial character

- Sandbaai comprises a mixture of single dwellings, second dwellings, and converted structures on many erven.
- The proposal fits within this evolving character and does not exceed height, coverage, or intensity norms.

RESPONSE FROM TOWN PLANNER

The application does not remove all planning controls

- The applicant is correct that the title deed controls are outdated which is proposed to be removed.
- The applicant is also correct in stating that the subject property remains fully compliant with the Scheme regulations since the Scheme permits a second dwelling as a primary right in terms of the applicable zoning and that provisions are made for a garage to be located over the lateral building line with neighbours consent which has been provided (attached as Annexure H).
- There is no planning anarchy since the proposal is fully compliant with the Scheme regulations applicable at present.

The application is consistent with Overstrand’s municipal policy direction

- The applicant is correct when stating that the Municipal SDF and densification guidelines encourage appropriate infill development and more efficient use of existing serviced land.
- The applicant is also correct when stating that secondary dwellings, outbuildings and densification through additional units are routine town-planning mechanisms supported across the municipality, including in Sandbaai.

Subdivision is not an appropriate or comparable alternative

- The development of a second dwelling or the proposal to accommodate a subdivision on the property is the property owner’s decision subject to relevant compliance with the applicable development parameters.

- It must be noted that if the property owner subdivides the property in such a way, then they may be able to accommodate more than two dwelling units between the two subdivided erven.
- The Scheme makes provision for second dwelling units which has undergone public participation and internal municipal feedback which the Engineering Department is satisfied with.
- The proposal only seeks to enable the property owners to enjoy the development rights in terms of the Scheme rather than the outdated restrictive conditions contained in the title deed.

No negative impact on spatial character

- The applicant is correct when stating that the Sandbaai area comprises of a mixture of single dwellings and second dwellings. Therefore, the proposal will not create a precedent.
- The proposal suitably fits in with the character of the Sandbaai area.

OBJECTION 2

Building on the boundary line / neighbour impact.

RESPONSE FROM APPLICANT

The proposed departure complies with municipal policy and practice

- Boundary-line outbuildings or second dwellings are routinely permitted where building design, fire safety, and neighbour amenity are not compromised.
- The proposed structure will adhere to all technical standards, including:
 - fire-resistant wall construction;
 - no overlooking windows onto neighbours;
 - compliance with engineering and building regulations.

Neighbour privacy and amenity remain protected

- No second storey or height departure is proposed.
- The proposal has a smaller visual impact compared to a double-storey dwelling.

RESPONSE FROM TOWN PLANNER

The proposed departure complies with municipal policy and practice

- The Scheme makes provision for outbuildings for the purposes of housing motor vehicles be constructed on lateral and rear boundary lines subject to the 9m development limitation as well as the provision of neighbours consent that is immediately affected. The building complies with the 9m development restriction as well as provision of the affected neighbours consent.
- The development will be subject to fire safety controls which will be dealt with at the building plan submission phase.

Neighbour privacy and amenity remain protected

- The notion of privacy will not be impacted due to the following:
 - The second dwelling complies with all the relevant development parameters applicable to it in terms of the Scheme and it is only proposed to construct a single storey.

- The proposed garage/storage area is also single storey and permitted in terms of the Scheme to be accommodated over the later building line subject to the 9m development restriction and the provision of the affected neighbours' consent which has been provided.
- The visual impact of the proposed single storey structures is much smaller than a double storey structure. The proposal is therefore considered favourable.

OBJECTION 3

Unmanageable precedent

Everyone will build second dwellings. Ms Hugo objects that approving a second dwelling would create a precedent encouraging many similar developments in Sandbaai, which she considers having small erf sizes. She also raises construction and maintenance concerns relating to boundary-line walls.

RESPONSE FROM APPLICANT

Second dwellings are already permitted in the zoning scheme

- Residential Zone 1 explicitly allows a second dwelling or outbuilding subject to municipal approval.
- The zoning scheme anticipates that many properties may eventually apply for a second dwelling; this is not an unintended consequence but part of the municipality's spatial and housing strategy.

Each application is assessed on its own merit

- Approval of this application does not automatically permit all properties to erect second dwellings or boundary-line structures.
- The Municipality retains full discretion and evaluates aspects such as erf size, layout, access, service capacity, impact on neighbours and policy compliance.

Boundary maintenance concerns are addressed by established legal mechanisms

- The proposed second dwelling will not encroach the 2m lateral and rear building lines.
- South African building legislation and neighbours-rights provisions allow temporary access for maintenance where necessary, with the obligation to fully restore any affected landscaping or structures.
- The applicant undertakes to comply fully with these requirements and to coordinate maintenance work with adjoining owners.

RESPONSE FROM TOWN PLANNER

Second dwellings are already permitted in the zoning scheme

- The applicable zoning already makes provision for a second dwelling as a primary land use right in terms of the Scheme. And the outbuilding complies with the general encroachments permitted.
- The Scheme is the implementation tool for the municipality's spatial planning to accommodate additional housing within the area.

Each application is assessed on its own merit

- The applicant is correct when they stipulate that each application is approved on its own merit. This depends on various factors such as character, compliance with development parameters and further strategic planning views of the municipality.
- The applicant is correct when they state that the Municipality retains full discretion and evaluates aspects such as erf size, layout, access, service capacity, impact on neighbours and policy compliance.

Boundary maintenance concerns are addressed by established legal mechanisms

- The second dwelling is not proposed to deviate from any additional development parameters, and the garage/storage area complies with the requirements of general encroachments permitted in terms of the Scheme.
- The proposal must remain compliant in terms of the National Building Regulations.

OBJECTION 4

Sewerage system pressure.

RESPONSE FROM APPLICANT

The Municipality confirms service capacity during LUM review

- All land-use applications are circulated to the Engineering Department for comment.
- No approval is granted unless the service infrastructure, including sewer capacity, is confirmed as adequate.

A second dwelling generates significantly less service demand than subdivision

- A subdivision (as suggested by Prof Gelderblom) would double service demand and connection points.
- A small second dwelling or ancillary unit is a low-impact intensification measure well within Sandbaai's existing service thresholds.

Sandbaai already accommodates numerous second units without system overload

- The municipal engineering reports for Sandbaai reflect incremental upgrade planning aligned with growth patterns anticipated by the SDF.

RESPONSE FROM TOWN PLANNER

The Municipality confirms service capacity during LUM review

- The Engineering Department is satisfied with the proposed application to accommodate a second dwelling.
- The Operational Services Department however stipulated that there is a sewer line where the owner wants to build his garage: either encase the pipe in concrete or he must just build the garage next to the sewer.

A second dwelling generates significantly less service demand than subdivision

- The proposal to accommodate a second dwelling on the property is a low-impact intensification measure well within Sandbaai's existing service thresholds.

Sandbaai already accommodates numerous second units without system overload

- The applicant is correct when stipulating that the municipal engineering reports for Sandbaai reflect incremental upgrade planning aligned with growth patterns anticipated by the SDF.

LETTER OF SUPPORT / NO OBJECTION

Ms Booyens, whose erf directly borders Erf 1008 Sandbaai, states clearly: “I have no objections to the proposed changes.” This support is significant, as she is an immediate neighbour most directly affected by the proposal. Her non-objection demonstrates that the development does not negatively affect adjacent residential amenity.

RESPONSE FROM TOWN PLANNER

The letter of support is noted.

APPLICANT’S CONCLUSION ON OBJECTIONS AND LETTER OF SUPPORT

The objections raised relate primarily to general concerns about densification, interpretation of precedent, and construction logistics, rather than demonstrable negative impacts arising from this specific proposal.

After addressing the concerns in detail, it is respectfully submitted that:

- The proposal is fully aligned with municipal planning policy.
- It does not undermine neighbourhood character or amenity.
- It does not impose unacceptable service, privacy, or boundary impacts.
- It formalises land-use rights already contemplated in the Overstrand Zoning Scheme.

The application is supported by at least one directly adjoining neighbour.

Accordingly, it is submitted that the objections do not provide sufficient grounds to refuse the application, and the proposal should be approved.

RESPONSE FROM TOWN PLANNER

The applicant’s conclusion on the objections and non-objections is noted.

In light of the above, the objections have been adequately discussed and resolved.

8. SUMMARY OF APPLICANT’S REPLY TO COMMENTS

Refer to point 7 of this report.

9. MUNICIPAL ASSESSMENT OF COMMENTS

Refer to point 7 of this report.

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

10.1 Background

N/A

10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application can be motivated in terms of the principles in the following manner:

Spatial Justice

The application is consistent with the principle of spatial injustice since the proposal is to accommodate an additional dwelling unit on the single residential property which meets the needs for additional residential accommodation within the Overstrand area as well as the future planning for the area.

Spatial sustainability

The subject property is situated within an already established township of Sandbaai. The proposal to accommodate a second dwelling and the addition of a garage/storage will not impact on any protected or conservation worthy areas of Sandbaai.

Efficiency

The application to accommodate two dwelling units on the property effectively optimises the utilisation of the land. Therefore, the proposal is consistent with the principle of efficiency.

Spatial Resilience

The development of a second dwelling unit on the property is considered to be in line with the principle of spatial resilience. The creation of a second dwelling allows the property owner to receive additional income by renting the second dwelling which will in turn reduce the impact of economic shock on the property owners.

Good administration

The application followed the required planning procedures to ensure that land use activity is in line with municipal By-Laws and a public participation process had been followed.

10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

Same as 10.2 above.

10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies

The application is consistent with the SDF as well as the OMGMS.

10.5 (In)consistency with guidelines prepared by the Provincial Minister

N/A

10.6 Impact on municipal engineering services

The proposed development is situated on an already serviced site, and no additional services are required. The proposed land use will not have a significant impact upon existing services and is supported by the Engineering Services Department.

It must be noted that the Operational Service Department stipulated that there is a sewer line where the owner wants to build his garage: either encase the pipe in concrete or he must just build the garage next to the sewer.

It is recommended that this choice be taken by the property owner and that a revised site plan indicating the owner's choice be submitted at building plan phase.

10.7 Outcomes of investigations/applications i.t.o. other legislation

The application does not trigger the provisions of NEMA or Section 38 of the National Heritage Resources Act.

10.8 Existing and proposed zoning comparisons and considerations

The application proposes a second dwelling (119.55m² in extent) on the property which is in line with the primary land use rights of the applicable zoning in terms of the Scheme. The application also proposes that a garage be developed over the eastern lateral building line adjoining Erf 2864 and Erf 1012 (both erven are owned by the same property owner) which is in line with the general encroachments subject to the compliance with the 9m development restriction and the provision of neighbours consent which has been provided (attached as Annexure H).

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The restrictive conditions as contained in Title Deed T13555/2000 to be removed, read as follows:

Clause B.2.(c) - *"That not more than one dwelling together with outbuildings and accessories be erected on any of the above erven and that not more than one half of the area of any one of the above erven be built upon."*

The removal of the abovementioned clause is considered favourable since the Scheme permits a second dwelling as a primary right. Furthermore, the Scheme also restricts the property to 50% coverage. The intent of the application is to bring the development rights applicable in line with that permitted in terms of the Scheme.

Clause B.2.(d) - *"That no building shall be erected on the above erf or erven within 4.72 metres of any boundary line between the said erf or erven and any street, road, or avenue"*

on which such erf or erven abuts; such space may only be used as gardens but shall not be built upon."

The removal of the abovementioned clause is considered favourable since the 4.72m building line restriction is outdated, and in contrast the Scheme makes provision for a setback of 4m from the street.

In terms of Chapter 4, Section 35(4) of the Overstrand Municipality's By-Law on Municipal Land Use Planning, 2020 and Section 39(5) of the Land Use Planning Act, 2014, when the municipality considers the removal, suspension or amendment of a restrictive condition; the municipality must consider the following:

The financial or other value of the rights

No financial or other value of the rights in terms of the restrictive conditions enjoyed by the owner, are evident.

The personal benefits which accrue to the holder of rights in terms of the restrictive condition

No material personal benefits which accrue to the holder of the rights in terms of the restrictive conditions are evident.

The personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended

The benefit of the property owner for the removal of the abovementioned restrictive conditions contained in the title deed will enable the property owner to develop their property in line with that of the Scheme which is the current applicable legislation that has shaped the Sandbaai area.

The property owner also seeks to bring the development parameters in line with the applicable development parameters enjoyed by many Sandbaai homeowners.

The social benefit of the restrictive condition remaining in place in its existing form and the social benefit of the removal, suspension or amendment of the restrictive condition

No material social benefits to the restrictive conditions remaining in place in its existing form are evident.

The removal of the restrictive conditions will enable the property owner to let his property to a single family which will in turn become an income generating asset as well as providing additional residential accommodation options in the area.

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights?

The property will remain subject to the development parameters of the applicable zoning in terms of the Scheme. Therefore, the development will not remove all rights enjoyed by the beneficiary or only some of those rights, if any.

The proposed application for the removal of the aforementioned restrictive title deed conditions is therefore considered favourable from a town planning perspective.

12. THE DESIRABILITY OF THE PROPOSAL

The development of a second dwelling on the subject property is considered favourably since a second dwelling is considered a primary land use right under the Residential Zone 1: Single Residential zoning and still be compliant with the development parameters thereto.

The development of the garage/storage area is also considered favourably since it complies with the general encroachments of the Scheme which refers to the 9m development restriction applicable to structure housing motor vehicles as well as the provision of neighbours consent.

Sufficient parking has been provided for both the dwelling house as well as the second dwelling.

The Engineering Services Department has no objection to the development of a second dwelling on the property.

The Operational Services Department, however, stipulates that there is a sewer line where the property owner want to build their garage. Therefore, it is the owner's decision to either encase the sewer pipe with concrete or alternatively build the garage next to the sewer. This decision will remain the owner's responsibility and a revised site plan must then be submitted at building plan phase indicating the owners decision.

Conclusion

With the above-mentioned stated, it is evident that the application is considered desirable from a town planning perspective.

13. RECOMMENDATION

1. that the objections **be noted**;
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the **removal of restrictive title conditions** B.2.(c) & B.2.(d) as contained in Title Deed T13555/2000 applicable to Erf 1008, Sandbaai, in order to accommodate a second dwelling unit on the subject property, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the **departure** of the southeastern lateral building from 2m to 0m to accommodate the existing garage/storage space; **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the decisions in paragraphs 2. and 3. above be subject to the following conditions:

- (a) that the approval is only for the development of the second dwelling (limited to 120m² in extent) and the garage (developed over the southeastern lateral building line to 0m);
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department, be complied with at that stage;
 - (c) that all the conditions in the Engineering Services Report (attached as Annexures G), be complied with;
 - (d) that there is a sewer line where the owner wants to build the garage; that the owner either encases the pipe in concrete or alternatively build the garage next to the sewer pipe;
 - (e) that a revised site plan be submitted as part of the building plan phase reflecting the owners' decision in point (d). above; and
 - (f) that the rates of the property be amended accordingly in terms of the latest rates policy.
5. that the applicant and person who objected be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

14. REASONS FOR RECOMMENDATION

Reasons for approval

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The objection has been adequately responded to.
- ❖ The actual use of the property remains for residential purposes and is in line with the residential character of the Sandbaai area.
- ❖ There is sufficient parking on the property for both dwelling units.
- ❖ Adequate services are provided on-site; therefore no additional services are required.
- ❖ The Overstrand Zoning Scheme Regulations have sufficient control measures when it comes to land use and building line parameters.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners or the character of the area.
- ❖ The proposal is considered in line with the Municipality's SDF.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.

15. ANNEXURES

- Annexure A: Locality Plan
- Annexure B: Motivation Report
- Annexure C: Site Development Plan
- Annexure D: Title Deed T13555/2000
- Annexure E: Objection letters and support letter received
- Annexure F: Response from applicant

Annexure G: Services Report
Annexure H: Neighbours consent (Erf 2864)

SIGNATURES**AUTHOR**

Name: **BC MINNAAR**

SACPLAN Reg No: **C/8630/2021**

Signature: _____

Date: _____

REGISTERED PLANNER

Name: **H VAN DER STOEP**

SACPLAN Reg No: **A/1708/2013**

Signature: _____

Date: _____



**PROPOSED DEPARTURE & REMOVAL OF
RESTRICTIVE TITLE DEED CONDITIONS**

ERF 1008 SANDBAAI

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Plan Active Town & Regional Planners has been appointed by Mr J.P. Malan, the owner of erf 1008 Sandbaai, to apply for the departure and removal of restrictive title deed conditions of the subject property.

Erf 1008 Sandbaai is presently developed with a single dwelling. The registered owner proposes the construction of an additional dwelling unit as well as an outbuilding comprising a garage and storage facilities on the property.

The proposed outbuilding will encroach over the prescribed lateral building line as set out in the applicable Land Use Scheme regulations. Furthermore, the restrictive conditions contained in the property's title deed prohibit the erection of a second dwelling unit and also impose additional building line restrictions, which prevent the construction of the outbuilding in the affected area and the primary use to construct a second dwelling unit on a SR1 zoned property.

Accordingly, this application seeks approval to permit the future construction of a new second dwelling unit (primary right) and an outbuilding (garage and storage) that will extend over the lateral building line stipulated in both the Title Deed and Land Use Scheme regulations.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for **the departure** of erf 1008 Sandbaai;
- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the **removal of restrictive title deed conditions** of erf 1008 Sandbaai.

3. NEED AND DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erf 1008 Sandbaai is situated at 37 Jan van Riebeeck Crescent, Sandbaai. Refer to the locality plan attached. Erf 1008 Sandbaai is 1392m² in extent and is held by title deed no. T13555/2000.

The subject property is level sloped and is characterized by a dwelling house with double garage. Refer to the aerial photograph below:





Image 1: Aerial photograph of erf 1008 Sandbaai

3.2 ZONING

Erf 1008 Sandbaai has the following land use rights:

ERF NUMBER	ZONING
Erf 1008 Sandbaai	Residential Zone 1: Single Residential

Surrounding properties are zoned for single residential, public open space, general business and public road purposes.



3.3 LAND USE

There is an existing dwelling house with double garage with a floor area of $\pm 302\text{m}^2$ in extent situated on erf 1008 Sandbaai.

Land uses that surround the subject property are single residential dwellings, a public open space (park) and public roads.

3.4 PROPOSAL

The following is proposed:

1. The **departure** of erf 1008 Sandbaai in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to:
 - relax the south-eastern lateral building line from 2m to 0m to accommodate the proposed outbuilding (garage and storage);
2. The **removal of restrictive title deed conditions** of erf 1008 Sandbaai in terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to remove conditions B. 2. (c) & (d) on pages 3-4 of title deed no. T13555/2000 to:
 - o Accommodate a second dwelling unit on erf 1008 Sandbaai.
 - o Remove the more restrictive street building line condition of 4,72 metres contained in the title deed applicable to erf 1008 Sandbaai. The intention is that the development of the subject property be governed solely by the street building line as prescribed in the applicable Land Use Scheme regulations, thereby aligning future development rights with the municipal planning framework.

The potential of the subject property is discussed in detail in *Section 3.5 Potential of the property*.

Erf 1008 Sandbaai is presently developed with a single dwelling. The registered owner proposes the construction of an additional dwelling unit as well as an outbuilding comprising of a garage and storage facility on the property.

The proposed outbuilding will encroach over the prescribed lateral building line as set out in the applicable Land Use Scheme regulations. Furthermore, the restrictive conditions contained in the property's title deed prohibit the erection of a second dwelling unit and also impose additional street building line restrictions, which prevent the primary use to construct a second dwelling unit on a SR1 zoned property and any future development up to the 4m land use scheme regulations street building line.

Accordingly, this application seeks approval to permit the future construction of a new second dwelling unit (primary right) and an outbuilding (garage and storage) – the latter that will extend over the lateral building line stipulated in the Land Use Scheme regulations.

3.4.1 Departure

The owner intends to construct a new outbuilding on the south-eastern erf boundary of the subject property. An application is therefore submitted for a departure relax the south-eastern lateral building line from 2m to 0m to accommodate the proposed outbuilding (garage and storage). The Municipality may approve the construction of a structure used for the housing of vehicles that encroaches onto the side and rear building lines, provided that:

- *The building that encroaches the building line may not be higher than 3,5m above the existing ground level on the common boundary;*
- *The length and width of the structure does not exceed one third of the lateral and rear boundary concerned or 9,0m, whichever is the most restrictive;*
- *Where the lateral/rear boundary of the property is less than 19,5 m in width, the structure will have a maximum width of 6,5 m on the rear boundary;*
- *No doors and windows shall be permitted in any wall closer than 1,0 m to the rear or side boundary;*
- *No runoff of rainwater from a roof shall be discharged directly onto adjoining properties;*
- *The garage/carport shall be included in the calculation of coverage on the land unit.*

The proposed outbuilding (garage and storage) meets the above requirements:

- The outbuilding will be 2,346m in height and therefore complies with the maximum height of 3,5m;
- The length of the structure will be 8,66m and therefore less than the required 9m for the consideration of the encroachment;
- The width of the structure will be 4,85m and complies with the maximum width of 6,5m;
- There will be no windows or doors in the south-eastern wall facing erven 1012 and 2864 Sandbaai (owned by the same property owner – Mr J.A. Swanepoel);
- The run-off will be dealt with within the erf boundaries of erf 1008 Sandbaai (as indicated on the south-west elevation).

The proposed outbuilding will be 41,376m² in extent. Refer to the site plan, south-west elevation plan and ground floor layout plan attached and included below:

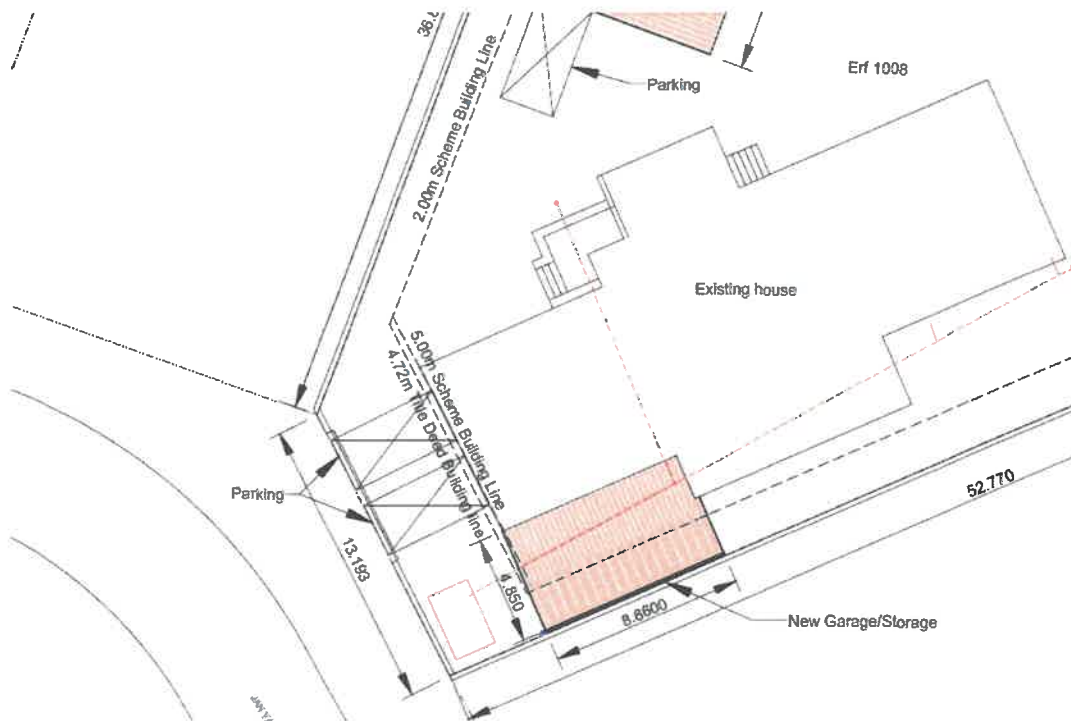


Image 2: Site plan

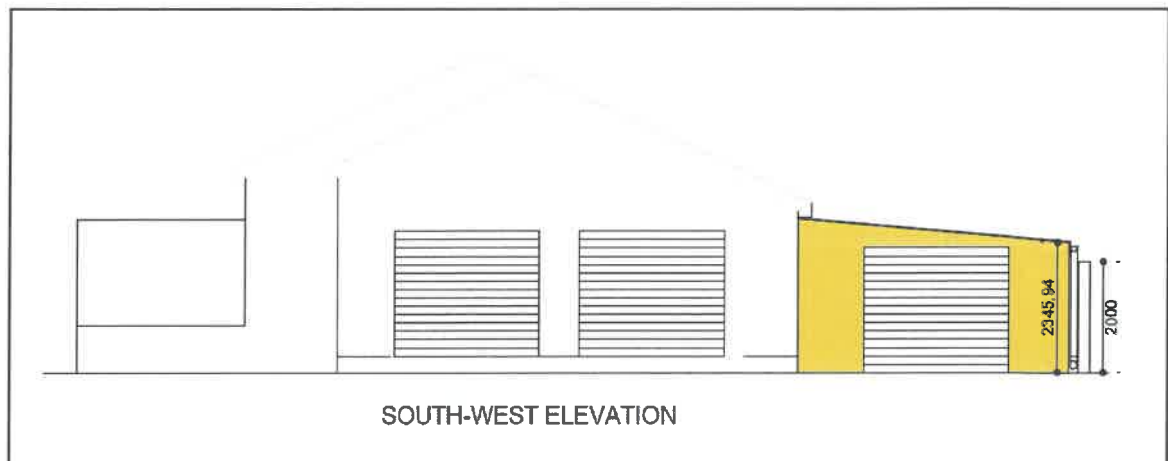


Image 3: South-west elevation plan

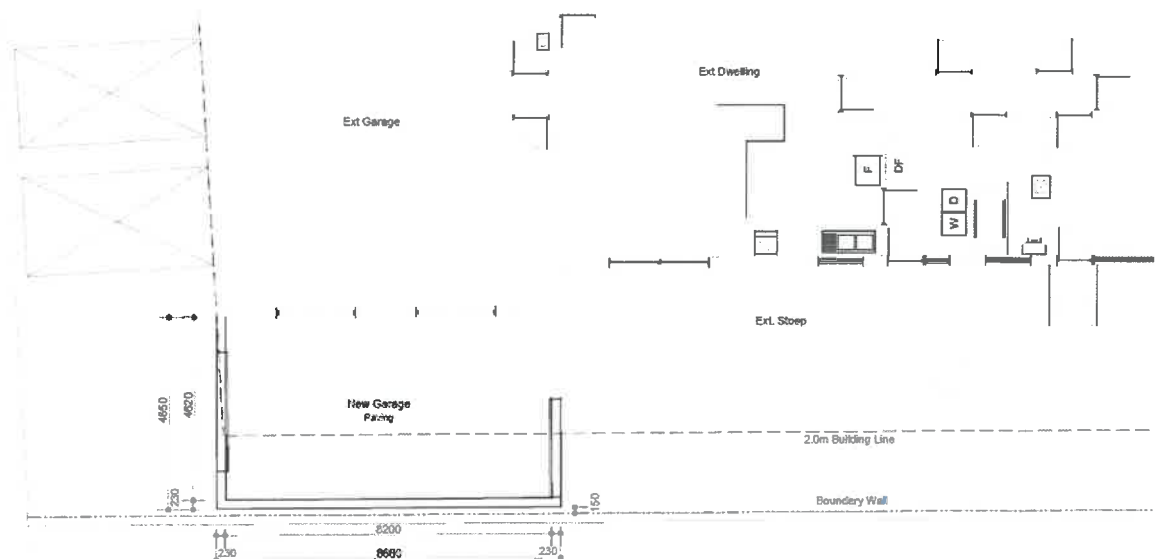


Image 4: Ground floor layout plan

The proposed outbuilding will be positioned on the 5m street building line and will not encroach the title deed or land use scheme regulations' street building line. The structure will be visible from neighbouring erven and from the street. The position of the structure as well as the compliance with the requirements for the consideration at the proposed position does however not have a negative impact on neighbours' views towards the ocean and mountain.



3.4.2 Removal of restrictive title deed conditions

A second dwelling unit is a primary right in terms of the SR1 zoning that applies to erf 1008 Sandbaai. A formal land use application is therefore not required to accommodate the proposed second dwelling unit. However, there are restrictive title deed conditions that prohibit the construction of a second dwelling unit on erf 1008 Sandbaai. In addition, it is proposed to remove the more restrictive street building line condition of 4,72 metres contained in the title deed applicable to erf 1008 Sandbaai. Although the proposed outbuilding will meet the 4,72m title deed street building line requirement, the intention is that any future development of the subject property be governed solely by the street building line as prescribed in the applicable Land Use Scheme regulations, thereby aligning future development rights with the municipal planning framework.

It is proposed to remove the following restrictive title deed conditions imposed by the Administrator (now the Overstrand Municipality) to accommodate the new second dwelling unit and render the 4,72m street building line redundant for all future additions and alterations to erf 1008 Sandbaai:

Title deed no. T13555/2000, pages 3-4, paragraph B. 2. (c) and (d):

"B. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No. T14135/1956 namely:-

2. Imposed by the Administrator:

- c) that no more than one dwelling together with the necessary outbuildings and accessories be erected on any one of the above erven and that not more than half of the area of any one of the above erven be built upon.*
- d) That no building shall be erected on the above erf or erven within 4,72 metres of any boundary line between the said erf or erven and any street, road, or avenue on which such erf or erven abuts; such space may be used for gardens but shall not be built upon.*

Section 39(5) of the Land Use Planning Act (LUPA), 2014, stipulates that a Municipality should have regard to the following factors when considering the "removal, suspension or amendment of a restrictive condition":

- ***The financial or other value of the rights in terms of the restrictive conditions 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***

The removal of the restrictive title deed conditions – namely, the prohibition on the construction of a second dwelling unit and the imposition of a 4,72 metre street building line – will not adversely affect the financial or other value of rights enjoyed by any person or entity, whether such rights are of a personal nature or are attached to ownership of a dominant tenement.

These restrictions were originally imposed by the Administrator as general development controls at the time of township establishment. They do not grant any specific or enforceable rights to neighbouring owners, nor do they constitute servitudes in favour of adjoining erven. Instead, they function as broad regulatory mechanisms that have since been superseded by the more contemporary provisions of the Overstrand Land Use Scheme.

By aligning the property's development parameters with those of the Land Use Scheme, the removal of these restrictions will ensure consistency, certainty, and uniformity in the application of land use management across the neighbourhood. Importantly:

- No neighbouring property owner will suffer a financial loss or diminution in land value, as their development rights remain unchanged and unaffected.
- No dominant tenement exists in relation to these restrictions, and thus no owner derives vested rights that could be compromised.
- The broader community stands to benefit from the removal, as it eliminates outdated and redundant restrictions, thereby streamlining property rights and facilitating lawful, orderly development in line with municipal policy and planning principles.

Accordingly, the proposed removal of the second dwelling restriction and the 4,72m street building line will have no negative impact on the value of rights, whether financial or otherwise, vested in any third party.

- ***The personal benefits which accrue to the holder of rights in terms of the restrictive conditions***

The restrictive conditions contained in the title deed of erf 1008 Sandbaai do not provide any personal benefits to an individual, entity, or adjoining landowner. These conditions were imposed by the Administrator at the time of township establishment as general regulatory controls, rather than as rights vested in favour of a dominant tenement or a specific person. Accordingly:

- No neighbouring owner holds a vested personal benefit arising from these conditions, as the restrictions were not created to secure privacy, light, air, or access in favour of adjoining properties.
- The conditions do not function as servitudes and therefore do not grant enforceable privileges to any person or entity beyond the regulatory framework itself.
- The municipality, as the successor to the Administrator, derives no personal benefit from maintaining these outdated restrictions, since land use is already comprehensively governed through the Overstrand Land Use Scheme and related planning instruments.

As such, the removal of these restrictive conditions will not diminish or take away any personal benefits currently enjoyed by another party. Instead, it will merely eliminate redundant controls, ensuring that development of erf 1008 Sandbaai is managed under a consistent and modern statutory planning regime.

- ***The personal benefits which will accrue to the person seeking the removal of the restrictive conditions, if they are removed***

The removal of the restrictive title deed conditions, namely the prohibition on a second dwelling and the imposition of a 4,72m street building line, will allow the owner of erf 1008 Sandbaai to exercise the full range of rights already afforded under the current zoning of the property. In particular:

- The construction of a second dwelling unit is a primary right in terms of the prevailing Land Use Scheme. Removal of the prohibition in the title deed will therefore bring the property into alignment with its zoning rights, ensuring the owner can lawfully utilise the property in accordance with municipal planning policy.

- Removal of the 4,72m title deed street building line will eliminate outdated restrictions that are more onerous than the Land Use Scheme provisions. This ensures that the siting and design of new structures in future (if any) can be undertaken with greater flexibility while still conforming to the municipality's planning controls.
- The removal of these restrictions will result in greater certainty of land use rights, enabling the owner to invest in improvements to the property without the risk of conflicting regulatory provisions.
- The ability to construct a second dwelling unit, as well as to optimise future building placement on the erf, will enhance the utility, functionality and market value of the property.

These personal benefits are consistent with rights already recognised under the zoning scheme and do not extend beyond what neighbouring owners may similarly enjoy under comparable circumstances. The proposed removals therefore serve to align private benefits with the planning framework, while removing unnecessary obstacles to lawful and orderly development.

- ***The social benefit of the restrictive conditions remaining in place in its existing form***

The restrictive conditions currently imposed on erf 1008 Sandbaai provide no identifiable social benefit in their existing form. These conditions were historically imposed by the Administrator as broad development controls at the time of township establishment. However, they have since been overtaken by the more modern, comprehensive regulatory framework of the Overstrand Land Use Scheme, which governs matters such as building lines, density, land use rights and the compatibility of development within neighbourhood contexts. In this regard:

- The prohibition on a second dwelling directly conflicts with the Land Use Scheme, which recognises a second dwelling as a primary right under the zoning of the property. Retaining the condition would effectively deny the community the benefits of incremental densification, efficient land use and housing opportunities encouraged by contemporary spatial planning policy.
- The 4,72m street building line is more restrictive than the Land Use Scheme requirement and thus serves no wider social purpose. Its retention would result

only in the continued application of inconsistent and outdated controls, with no demonstrable public benefit.

- Social considerations such as neighbourhood character, access, amenity and safety are already safeguarded through the Land Use Scheme and municipal approval processes, rendering the restrictive conditions redundant.

Accordingly, there is no measurable social benefit in retaining these conditions in their current form.

- ***The social benefit of the removal or amendment of the restrictive conditions***

The removal of the restrictive title deed conditions applicable to erf 1008 Sandbaai will yield clear social benefits, both in terms of planning alignment and community outcomes. In particular:

- The removal of the restriction prohibiting a second dwelling will bring the property into line with the Overstrand Land Use Scheme, which recognises a second dwelling as a primary right under the current zoning. This ensures that local planning policies supporting densification, efficient land use, and housing provision can be realised.
- The removal of the restrictive 4,72m street building line will ensure that the property is subject to the same building line controls as neighbouring erven under the Land Use Scheme. This promotes regulatory consistency across the area, eliminating unnecessary discrepancies between properties.
- By enabling the construction of a second dwelling and associated outbuilding, the removal of restrictions encourages optimal use of existing infrastructure (roads, services, utilities), contributing to more sustainable settlement patterns.
- Eliminating outdated restrictions enhances planning certainty, reducing the risk of conflict between private title deed conditions and municipal planning instruments.
- Over time, the ability to construct lawful second dwellings contribute to the local housing stock, rental market and property values, with spill-over benefits for the wider community.

The removal of the restrictive conditions will not only benefit the property owner but will also advance broader community interests by fostering consistency, equity, sustainable development, and alignment with contemporary planning principles.

- ***Whether the removal, suspension or amendment of the restrictive conditions will completely remove all rights enjoyed by the beneficiary or only some of those rights***

The removal of the restrictive conditions applicable to erf 1008 Sandbaai will not remove or diminish any rights vested in a specific beneficiary. These conditions were imposed by the Administrator at the time of township establishment as general development restrictions and were not created to serve as servitudes or to vest enforceable rights in favour of any adjoining property owner or dominant tenement. Accordingly:

- There are no direct beneficiaries who currently enjoy rights conferred by the restrictions.
- The removal of the conditions will therefore not result in the complete removal of any rights belonging to another person or entity.
- At most, their removal will eliminate redundant regulatory controls, ensuring that the property is governed solely by the provisions of the Overstrand Land Use Scheme, which applies consistently across all erven.

The proposed removal will not prejudice or extinguish rights of any beneficiary, whether wholly or in part, as no such rights currently exist. Rather, it will simply harmonise the property's development parameters with municipal planning policy and contemporary land use management practices.

3.4.3 General application information

For the consideration of a second dwelling unit on a SR1 zoned property, the second dwelling unit must meet the following criteria:

- The total floor area (footprint) of the second dwelling unit shall not exceed 120m²;

- A second dwelling unit may be contained within the same building as a primary dwelling unit and may be either on the ground or first floor;
- Parking must be provided on the property to the satisfaction of the Municipality, and
- A second dwelling must be located within the applicable building lines.

The proposed second dwelling unit meets all the above requirements:

- The second dwelling unit will be 119,55m² in extent;
- The second dwelling unit will be a self-contained structure on ground floor level;
- The second dwelling will be developed with a garage / braai room. In addition, provision is made for one additional parking bay in front of the second dwelling unit on-site as well;
- The second dwelling unit will be located within the applicable SR1 building lines and title deed building lines.

The second dwelling unit will consist of a braai room / single garage, two bedrooms, a full bathroom and an open plan living room / kitchen. The position of the second dwelling unit is indicated on the attached site plan also included below:

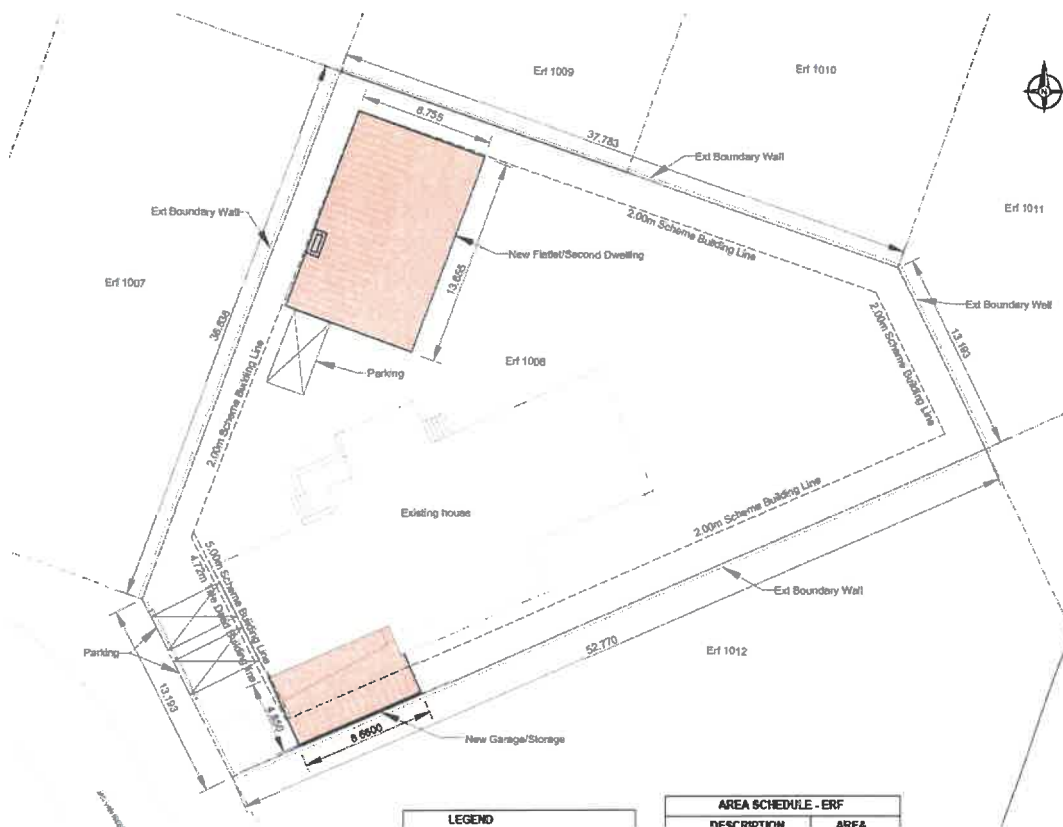


Image 5: Site plan showing the position of the second dwelling unit

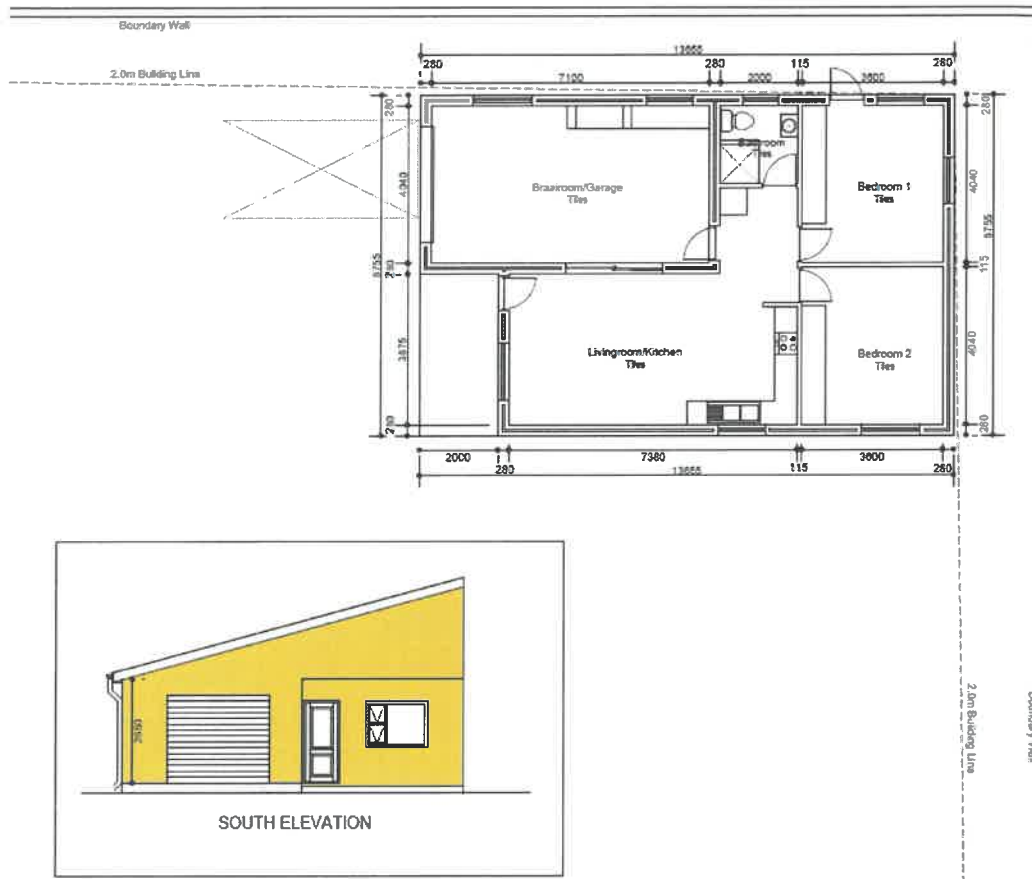


Image 6: Floor layout plan and south elevation of the proposed second dwelling unit

The proposed application will have little to no impact on the established character or property values of the surrounding area. The additions to the subject property will not give rise to any infringement on passing traffic or public activity, owing to the low-impact nature of the proposed structure. The second dwelling unit will be largely screened from public view and will have minimal visibility from the street. Furthermore, the massing and height of the proposed building are considered compatible with the prevailing character of the neighbourhood, notwithstanding the departure and removal of restrictive title deed conditions that form part of this application.

The zoning of erf 1008 Sandbaai will remain unchanged (Residential Zone I: Single Residential) as well as the primary land use (single residential purposes). The height of all the structures on the subject property will comply with the permissible height requirements for SR1 zoned properties (as per the approved building plans).

The proposed outbuilding, together with its intended use, encroaches on the applicable south-eastern lateral building line as reflected on the submitted site plan. The anticipated impact of this encroachment is regarded as minimal, given that outbuildings are ordinarily permitted on the 0m lateral building line, subject to compliance with prescribed criteria. While the impact on adjoining property owners and passers-by may be marginally greater than would have been the case had the structure been set back beyond the building line, such impact is considered negligible and not of a nature that would compromise the amenity of the surrounding area.

The area schedule and coverage for the subject property after the proposed additions, will be as follows:

AREA SCHEDULE - ERF	
DESCRIPTION	AREA
Existing House	302.039m ²
New flatlet/second dwelling	119.550m ²
New garage/storage	41.376m ²
Total erf area	1392.000m ²
Total area used	33.259%

The total coverage of 33,259% (462,97m²) does not exceed the maximum permissible coverage of 50% for SR1 zoned properties.

It is submitted that the proposed structures are compatible with the prevailing character of the area, will not adversely affect the rights of surrounding property owners, and that no substantive reason exists for withholding approval of this application. In evaluating the requested building line deviation and the removal of restrictive title deed conditions, it is important to note that the underlying planning rationale aligns with the broader policy imperative to discourage urban sprawl, promote densification, and encourage the development of more compact settlements. These objectives directly support the principles of responsible resource management and sustainable development.

The proposed departure and removal of restrictive title deed conditions of erf 1008 Sandbaai are not in contrast to the existing land use tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

3.5 THE POTENTIAL OF THE PROPERTY

The zoning and primary land use of the subject property will remain unchanged. The location of the subject property within a single residential area allows the property to be developed for low impact land uses only (such as bed-and-breakfast establishments, day care, second dwelling, guest house and home occupation uses). The proposed departure and removal of restrictive title deed conditions will not hinder any possible future land use applications on erf 1008 Sandbaai.

The subject property has the potential and allows for the deviations being applied for. The existing main dwelling and the proposed second dwelling unit comply with the land use scheme building lines, coverage and maximum of 8m height requirement for SR1 zoned properties.

The following should be noted when considering the potential of the site:

- The positions of the proposed outbuilding and second dwelling on erf 1008 Sandbaai do not have a negative impact on neighbours' views towards the ocean and mountain.
- The massing and scale of the proposed structures are compatible with the area.
- Except for the south-eastern lateral building line deviation, all other land use parameters are met.

The scale of the surrounding built environment, together with the limited impact on the streetscape, are important considerations in assessing the property's capacity to accommodate the proposed departure and removal of restrictive title deed conditions. The following factors further support the property's suitability to accommodate the proposed building line deviations:

- High-quality materials will be utilised in the construction of both the outbuilding and the second dwelling unit, ensuring a standard of development consistent with the character of the area;
- The proposed additions will enhance the value of the subject property and contribute positively to the overall value of the surrounding neighbourhood.

3.6 ECONOMIC IMPACT

The proposed departure and removal of restrictive title deed conditions are to accommodate a new second dwelling unit and outbuilding (garage and storage). The proposed additions are anticipated to have a positive economic impact on both the subject property and the surrounding area. At the property level, the construction of a second dwelling unit and outbuilding will enhance the capital value of the land by improving its functionality, flexibility, and overall market appeal. For the broader neighbourhood, the investment in good-quality construction materials and finishes will contribute to the upkeep and upliftment of the built environment, thereby supporting stable or rising property values in the vicinity.

In addition, the development will generate short-term economic benefits through the creation of local employment opportunities during the construction phase, as well as increased demand for building materials and services within the local economy. Over the longer term, the provision of a second dwelling unit introduces the potential for rental income, which may stimulate small-scale economic activity and improve housing availability in line with densification objectives.

3.7 SOCIAL IMPACT

The proposed application will have no impact on the social status quo of the area. The proposed additions are expected to generate a range of positive social impacts. At a neighbourhood scale, the introduction of a second dwelling unit contributes to housing diversity and supports the principle of densification, thereby making more efficient use of existing infrastructure and services. This promotes more compact and integrated communities, which in turn strengthens social cohesion and reduces the pressure for outward urban expansion.

For the immediate surroundings, the proposed development will have minimal impact on the privacy, access to sunlight, or enjoyment of adjacent properties, given its modest scale and limited visibility from the street (with reference to the second dwelling unit). The careful use of quality materials and a design that is compatible with the

existing character of the area further ensures that the development will integrate well into the community fabric.

At a household level, the additions create opportunities for extended family living, multi-generational cohabitation, or rental accommodation, each of which enhances social resilience and responds to contemporary housing needs. In this way, the proposal supports both the functional requirements of the property owner and the broader social objective of inclusive and sustainable settlement patterns.

3.8 COMPATIBILITY WITH SURROUNDING LAND USES

The subject property is situated in an existing low-density residential area. The application does not propose to change the zoning or land use of the subject property and therefore the proposal is compatible with the surrounding land uses.

The surrounding properties are developed with single and double storey dwellings, and the use of the surrounding properties is for permanent residences and holiday houses. The scale of the structures on erf 1008 Sandbaai (and the proposed uses thereof) merges well with the scale of the surrounding dwellings in the immediate area.

The proposed additions are regarded as compatible with the existing and surrounding land uses. The subject property is zoned for single residential purposes, within which a second dwelling unit constitutes a primary right. The proposed outbuilding and second dwelling are therefore consistent with the land use rights already applicable to the site.

In terms of scale, height and massing, the proposed structures are in keeping with the established residential character of the neighbourhood and will not introduce a use or built form that is foreign to the area. The additions are designed to integrate with the existing dwelling and are positioned to minimise any impact on adjacent properties or the streetscape.

Furthermore, the proposed development is aligned with the prevailing pattern of residential densification occurring in the area, where secondary units and ancillary buildings are increasingly common. As such, the proposal supports compatible and

complementary land use relationships, while promoting efficient utilisation of urban land and infrastructure.

3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES

All services on the subject property already exist. The proposed structures will have no impact on the scale and usage of the existing available services since no additional loading of the existing civil infrastructure is anticipated.

Any additional services required as a result of the proposed development, together with any bulk services contributions or levies, will be provided and paid to the satisfaction of the Overstrand Municipality.

3.10 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

The proposed departure and removal of restrictive title deed conditions will have no impact on the general safety and wellbeing of the surrounding community. It is anticipated that one additional family will occupy the subject property once the development is complete.

Since the proposed departure and removal of restrictive title deed conditions are not associated with a noxious trade with polluting air emissions the impact on the health of the community will be kept to a minimum.

3.11 IMPACT ON HERITAGE

The application does not involve changing the character of a site larger than 5 000m². Consequently, the proposed application for the departure and removal of restrictive title deed conditions does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Erf 1008 Sandbaai is not situated within the Heritage Protection Overlay Zone as determined by the Overstrand Municipality's Zoning Scheme (2020). The subject property is also not earmarked for heritage conservation purposes with reference to the Overstrand Municipal Growth Management Strategy (2010).

The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In the light of the above mentioned it is evident that the proposed departure and removal of restrictive title deed conditions will not have a negative impact on the heritage value of the Sandbaai area.

3.12 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed departure and removal of restrictive title deed conditions do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

The subject property is not situated within the Overstrand Municipality's Zoning Scheme Environmental Management Overlay Zone (2020).

3.13 TRAFFIC IMPACT, PARKING AND ACCESS

Access to erf 1008 Sandbaai will remain unchanged and will be from Jan van Riebeeck Crescent. Refer to the site development plan. No new access points are proposed.

The Overstrand Municipality Land Use Scheme (2020) stipulates that a minimum of two parking bays are required for a dwelling house (main dwelling). The existing

dwelling is developed with a double garage that will provide parking for the main dwelling, and a new outbuilding (additional garage and storage) is proposed. One additional parking bay must be provided for the second dwelling unit. Provision is made for a new single garage as part of the second dwelling unit footprint and one additional parking bay on site as indicated on the site plan. The driveway to the second dwelling unit will be 3m wide as indicated on the site plan.

Considering the above the existing main dwelling and proposed second dwelling unit on erf 1008 Sandbaai complies with the minimum parking requirements for SR1 zoned properties.

The subject property will continue to be used primarily for single residential purposes and therefore the impact on the traffic flow in the area will remain unchanged.

3.14 TITLE DEED

Title Deed No. T13555/200 has restrictive title deed conditions that need to be removed to accommodate the second dwelling unit on the subject property and to align the discard title deed street building line to allow the land use scheme regulations' street building line to apply to future development. Refer to a copy of the conveyancer's certificate compiled by Mr H.L. van Zyl of Van Zyl Kruger Attorneys dated 7 October 2025 attached. The removal of the restrictive title deed conditions is addressed in full in Section 3.4.2 of this report.

A bond is currently registered against Erf 1008 Sandbaai. However, the bond is in the process of being cancelled and, as such, the bondholder's consent is not applicable to this application. Refer to the letter issued by F. Salie Attorneys, dated 12 September 2025, which confirms that the bond cancellation process is underway.



3.15 FORWARD PLANNING AND LAND USE DOCUMENTS

The ***Overstrand Spatial Development Framework (2020)*** earmarks the area where erf 1008 Sandbaai is situated, for urban development purposes. The zoning and use of the subject property will remain unchanged (Residential Zone 1: Single Residential). As a result, the impact of the proposed departure and removal of restrictive title deed conditions on the spatial integrity of the area will be minimal and is therefore consistent with the Overstrand SDF (2020).

The ***Overstrand Municipal Growth Management Strategy (OMGMS, 2010)*** specifies that erf 1008 Sandbaai forms part of Planning Unit no. 3. This planning unit stipulates that the density status quo should remain thereby reinforcing the predominantly low-density residential character of the area. A main dwelling is developed on the subject property, and a second dwelling is proposed with this application.

The proposed second dwelling on the property constitutes a form of appropriate and incremental densification that remains aligned with the intent of the OMGMS. While the application introduces a second dwelling unit, this addition does not alter the overall residential character of the area, nor does it result in a level of density inconsistent with the status quo. Instead, it represents a modest intensification of land use that enhances the efficient utilisation of existing urban land, without undermining the low-density framework established for Planning Unit 3.

Importantly, a second dwelling is a primary right under the property's zoning scheme, and its introduction ensures that the area's residential function, scale, and character are maintained. The proposal does not compromise infrastructure capacity, visual quality, or compatibility with surrounding land uses. On the contrary, it contributes towards more sustainable settlement patterns by accommodating limited growth within the existing urban footprint, rather than promoting urban sprawl.

The proposed development therefore reflects appropriate densification within the boundaries of the existing planning framework and ensures that the residential status

quo of low-density living, as envisioned by the OMGMS for Planning Unit 3, will remain intact. The land use application for the subject property therefore falls within the existing planning for the Sandbaai area.

From the above it is evident that the proposed development **adheres and complies** with the relevant municipal spatial planning policies.

3.16 **PLANNING PRINCIPLES**

The planning principle of spatial resilience does not apply to this application.

Spatial justice: Section 7 of SPLUMA identifies spatial justice as a key development principle, requiring that land development contributes to redressing past spatial imbalances, while ensuring equitable access to land and its benefits. The proposed application, which provides for a second dwelling on Erf 1008 Sandbaai as well as an outbuilding that encroaches the south-eastern lateral building line, aligns with this principle in the following ways:

- The second dwelling increases residential opportunities within the existing urban footprint, avoiding further land take-up or urban sprawl, while the outbuilding's minor encroachment makes efficient use of space without impacting neighbours.
- The proposal promotes inclusivity by adding a housing unit in an already serviced area and improves liveability through the functional utility of the outbuilding.
- Both the second dwelling (a zoning primary right) and the modest building line departure align with planning policy and respect neighbouring rights.
- The application maintains the low-density character of the area while balancing private benefit with broader community equity.

Spatial sustainability: Spatial sustainability requires that land development be undertaken in a manner that promotes responsible resource use, protects environmental assets, and supports long-term settlement growth within the urban



edge. The proposed application, which entails the addition of a second dwelling and an outbuilding encroaching the south-eastern lateral building line on erf 1008 Sandbaai, is consistent with this principle for the following reasons:

- The second dwelling is accommodated within the existing urban footprint, ensuring that the proposal makes optimal use of land already supplied with municipal infrastructure and services, without the need for costly extensions of service networks.
- By intensifying use on an already developed erf, the proposal supports a more compact settlement pattern and reduces pressure for outward expansion into environmentally sensitive or agricultural areas.
- The modest scale of the second dwelling and the outbuilding ensures compatibility with the established low-density residential environment, safeguarding the area's sense of place while still contributing to incremental densification.
- The functional utility of the outbuilding and the additional residential unit contribute to more efficient land use and improved liveability, while not placing undue pressure on natural or built resources.

The application is considered spatially sustainable as the existing property will be more optimally utilised without affecting natural vegetation. The property is compatible with the character of the area and does not impact negatively on the rights of any adjacent property owners.

Efficiency: The subject property is easily accessible and conveniently located close to Hermanus CBD and major routes. The massing and height of the property will be in line with the relevant land use scheme regulations. Section 7 of SPLUMA emphasises efficiency in land development, requiring that resources, infrastructure, and facilities be used in a manner that maximises benefit while minimising waste and duplication. The proposed application for a second dwelling and an outbuilding encroaching the south-eastern lateral building line on Erf 1008 Sandbaai meets this principle in the following ways:

- The property is already fully serviced with municipal infrastructure, and the proposed second dwelling makes effective use of this existing investment without requiring significant upgrades or extensions to services.

- Accommodating an additional dwelling within the existing erf promotes a more compact settlement pattern, reducing the spatial and financial inefficiencies associated with urban sprawl.
- The outbuilding's modest encroachment onto the lateral building line represents efficient use of land by allowing the property to accommodate additional utility without compromising neighbouring rights or amenity.
- The proposal achieves increased residential capacity while maintaining the low-density character of the area, thereby ensuring efficient alignment between growth, land use rights, and the established planning framework.

Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

4. RECOMMENDATION

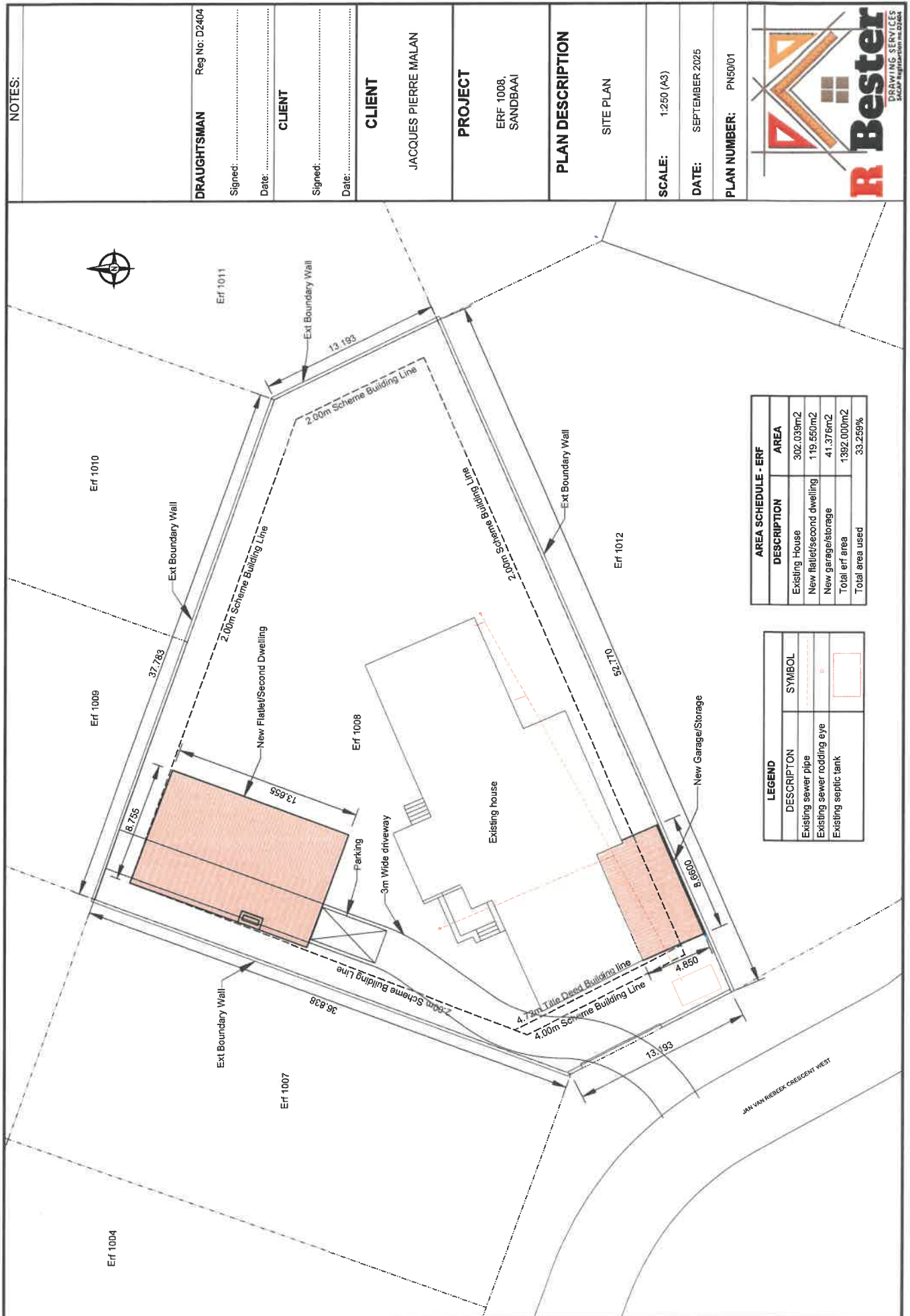
When this application is evaluated, it is important to take note of the following:

- All services on the subject property already exist and no additional loading of the existing infrastructure is anticipated;
- The zoning and primary land use of the subject property will remain unchanged;
- The deviation from the applicable scheme regulations' lateral building line is to accommodate the proposed outbuilding; the removal of the title deed conditions is to accommodate the proposed second dwelling unit and to align the discard title deed street building line to allow the land use scheme regulations' street building line to apply to future development;
- The proposal is compatible with the existing built character of the area;
- Impact on the traffic will be kept to a minimum;
- There are no heritage aspects that will negatively impact the application;

- There are no environmental aspects that will negatively impact the application and the application will not have a negative impact on any environmental factors;
- The proposal is compatible with the spatial planning strategies for the area;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013).

The application can be supported for your favourable evaluation. The opinion is held that this application will have no negative impact on the land values, privacy, built environment and character of the area.





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 226 Mattheysen & Van Veen

W. Mattheysen
 CONVEYANCER
 WEHMEYER N. J.

SEELREG DUTY	R
FOGI FEE	R 145.00

DATE OF REGISTRATION	18/01/2000
DEED NO.	13555
DEED YEAR	2000

T 13555 2000

Deed of Transfer No:

BE IT HEREBY KNOWN

THAT *Willem Jacobus Smith*

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, he, the said Apparer,
 being duly authorised thereto by virtue of a Power of Attorney signed at BONNIEVALE
 on the 18th January 2000 by

RICHARD KNIPE VAN EEDEN

Identity number: 480603 5029 00 4

married out of community of property

WIT ENDOSSEMENTE KYK BLADSY
 FOR ENDORSEMENTS SEE PAGE 6 ET SEQ

2

And the Appearer declared that the transferor had truly and legally sold on the 6th day of January 2000, and that he, the said Appearer, in his capacity aforesaid, did by these presents, cede and transfer in full and free property to and on behalf of -

JACQUES PIERRE MALAN

Identity number: 700103 5159 03 7

unmarried

His heirs, executors, administrators or assigns,

ERF 1008 SANDBAAL in the Greater Hermanus Local Transitional Council Division of Caledon Province Western Cape

MEASURING 1392 (ONE THOUSAND THREE HUNDRED AND NINETY TWO) square metres.

FIRST TRANSFERRED by Deed of Transfer No. T14135/1956 with Diagram No. 6586/56 annexed thereto and held by Deed of Transfer No. T29360/97.

A SUBJECT TO the conditions referred to in Deed of Transfer No. 19264/1971 and being land held under title deeds derived from Deed of Grant dated 15 May 1834 (Swellendam Oultrents Volume 2 (1) No 1) subject to the reservation in favour of the State of the rights to mines of gold, silver and precious stones mentioned in Section 4 of Sir John Cradock's Proclamation dated 6 August 1813.

B SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No. T 14135/1956 namely :-

(1) Imposed for the benefit of Sandbaal Seaside Estate Company (Proprietary) Limited as owners of the remaining extent of Lot No 3 of the farm Onrust River held by them by Deed of Transfer No. T11466/1929 and the owners of lots in the said Township already transferred or which may at any future date be transferred subject to similar conditions namely:-

(a) The Company reserves to itself and its successors in title the sole right to all hotels and all liquor licences and the Purchaser/s (Transferees/s) or his/their successors in title shall not have the right to erect any hotel

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or hold any liquor licences without the written consent of the Directors of the Company, or its successors in title, first had and obtained.

- (b) The Company and its successors shall not have the right to subdivide and/or sell in erven the land between lots sold as seafront lots and the sea.
- (c) That no building shall be erected on any stand unless and until the plans for such buildings have been submitted to and approved by the Directors of the said Company or the successors in title of the said Company.
- (d) The Transferee/s and his/their successors in title of the hereinabove described property shall have the right to divert any stream of water running on the said property so as to run alongside any of the avenues or streets as laid down on the General Plan of the Township.
- (e) The Company reserves to itself and its successors in title the right at any time hereafter to the free and undisturbed passage of electric, telegraph, or telephone wires over and upon any portion of the property hereby purchased, with further right of causing them to be affixed to any building or erection not less than 3,05 metres from the ground with access at any time to such wires for the purpose of removal or maintenance.
- (f) The Company further reserves to itself and its successors in title the right at any time hereafter to lay and to maintain piping under any portion of the above land or elsewhere, and at all times to have access to such piping for removal, maintenance, extension or any other purpose and to do all such acts and things as shall be required for the convenience of the inhabitants of the Township in regard to supplying them with water.
- (h) The Company reserves to itself the sole right to all water arising on or flowing over the Company's property. There shall, however, be excluded from this reservation any water obtained by the owner of the above land by means of wells or boreholes sunk on such land.

2. Imposed by the Administrator:

- (a) That the above erf or erven be used for residential purposes only.

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AL GEN INFORM

4

- (b) That the above erf or erven be not subdivided.
- (c) That no more than one dwelling together with the necessary outbuildings and accessories be erected on any one of the above erven and that not more than one-half of the area of any one of the above erven be built upon.
- (d) That no building shall be erected on the above erf or erven within 4,72 metres of any boundary line between the said erf or erven and any street, road, or avenue on which such erf or erven abuts; such space may be used as gardens but shall not be built upon.

5

WHEREFORE the Appearer, renouncing all the right and title which the transferer heretofore had to the property, did in consequence also acknowledge them to be entirely dispossessed of and disentitled to the same and that by virtue of these presents the transferee now are and henceforth shall be entitled thereto conformably to local custom; the State, however, reserving its rights and finally acknowledging that the purchase price amounts to the sum of R70 000,00 (SEVENTY THOUSAND RAND) which amount have been fully paid.

IN WITNESS WHEREOF I, the said REGISTRAR, together with the Appearer q.q., have subscribed to these presents and have caused the Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the REGISTRAR OF DEEDS AT CAPE TOWN ON 25 February 2002

q.q.



In my presence,


REGISTRAR OF DEEDS

Certified a true copy of the original
of record in this Registry in terms of

Reg 23

Deeds Registry
Cape Town

2/12/05



WA0006870 / 2002

Certified a true copy of the duplicate original.
 Gesertifiseer 'n ware afskrif van die dupikaat-
 filed of record in this Registry, issued to serve in
 oorspronklike in bewaring gegee op hierdie Regi-
 place of the original thereof under the provisions
 of Deeds Registries Regulation No. 68(1)
 die oorspronklike daarvan onder die bepalinge van
 die Registrasiekantore-Regulasie No. 68(1)

Deeds Registry/Registrasiekantoor,
 Cape Town/Kaapstad.

2002-11-26

Abuschogre
 Registrar of Deeds
 Registrasiekantoor van Abies

BETAAL
 PAID

SLED F.

ONL

AL FEN VIR

BC000049026 / 2002 GEKANSLEER CANCELLED  REGISTRATEUR/REGISTRAR 2025-09-18	VERBIND MORTGAGED VIR FOR R 100 000,00	
	B 069296 / 2002	<i>Abuschogre</i> REGISTRATEUR/REGISTRAR
	2002-11-26	

VERBIND MORTGAGED VIR FOR R 350 000,00		BC000049027 / 2025 GEKANSLEER CANCELLED  REGISTRATEUR/REGISTRAR 2025-09-18
B 000024467 / 2006		
13 MAR 2006		

Alida Conradie

From: Alida Conradie
Sent: Monday, 03 November 2025 07:48
To: 'Derik Gelderblom'
Subject: Objections to changes to restrictive conditions erf 1008, Jan van Riebeecksingel 37, Sandbaai

Tracking:	Recipient	Delivery
	'Derik Gelderblom'	
	Enquiries	Delivered: 2025/11/03 07:48

Dear Prof Gelderblom

Receipt is hereby acknowledged of your objection

KINDLY REGARD THIS EMAIL AS YOUR FORMAL ACKNOWLEDGEMENT

Kind Regards

Alida Conradie

Administrative Officer, Town- and Spatial Planning

Directorate: Planning & Development, Overstrand Municipality, Hermanus

A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20

T: 028 313 8900 | F: 028 313 2093 | E: alida@overstrand.gov.za

From: Derik Gelderblom <troystr262@gmail.com>
Sent: Friday, 31 October 2025 12:20
To: Alida Conradie <alida@overstrand.gov.za>
Cc: annette.hugo@gmail.com
Subject: Objections to changes to restrictive conditions erf 1008, Jan van Riebeecksingel 37, Sandbaai

Dear Sir/Madam

I am writing this to object to the proposed removal of restrictive conditions for the above property. As a property owner in Sandbaai (erf 72), I regard the explicit intention to create a precedent so that all existing restrictive planning conditions are nullified, as very dangerous. This is an invitation to planning anarchy, and not something to be celebrated, as the applicant wants to suggest. The rationale provided for such a radical proposal is paper thin. I thought that perhaps there is an overriding need, such as an aged parent that needs to be accommodated. But no, the application reads as if the applicant wants to do it just for the hell of it. The stated rationale is the Municipality's policy of densification. But if this is really the rationale, why not make an application to divide the property in two? There are precedents and policies in place to do this in a regulated manner, which would be a far more preferable route. And the application to erect a building right on the boundary line shows a complete disrespect for the needs of the neighbours.

Regards

Prof Derik Gelderblom

0834862986

Erf 72

troystr262@gmail.com

Alida Conradie

From: Anette Hugo <anette.hugo@gmail.com>
Sent: Friday, 21 November 2025 17:40
To: Alida Conradie
Subject: Erf 1008, Sandbaai

Beste Alida

Ek is die wettige eienaar van die huis op erf 1317 (Nico van der Merwestraat 22) in Sandbaai .

Ek is baie sterk gekant teen die opheffing van beperkende titelvoorwaardes en afwyking ten einde 'n tweede woning op die eiendom te akkommodeer op Erf 1008, Sandbaai soos uiteengesit in die skrywe van Plan Active Town & Regional Planners op 30 Oktober 2015.

Dit gaan 'n onhoudbare presedent skep omdat baie ander mense tweede wonings sal wil oprig en Sandbaai se erwe oor die algemeen baie klein is.

Ek dink daar is baie praktiese oorwegings wat nie in ag geneem is nie. Net twee voorbeelde: As my buurman tot op die grens bou, hoe gaan hy sy muur pleister en verf sonder om my erf te betree en my tuin te verwoes in die proses? Sandbaai se rioolstelsel gaan onder geweldige druk geplaas word as meer en meer mense tweede huise wil bou.

Baie dankie vir die geleentheid om my teenkanting op skrif te stel.

JC Hugo

Alida Conradie

From: Alida Conradie
Sent: Friday, 31 October 2025 09:18
To: 'Laurene Booyens'
Subject: RE: Comment on application notification for Erf 1008, 37 Jan van Riebeeck Street, Sandbaai

Dear Ms Booyens

Receipt is hereby acknowledged of your comment.

KINDLY REGARD THIS EMAIL AS YOUR FORMAL ACKNOWLEDGEMENT.

Kind Regards

Alida Conradie

Administrative Officer, Town- and Spatial Planning

Directorate: Planning & Development, Overstrand Municipality, Hermanus

A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20

T: 028 313 8900 | F: 028 313 2093 | E: alida@overstrand.gov.za

From: Laurene Booyens <laurene017@icloud.com>
Sent: Friday, 31 October 2025 09:01
To: Alida Conradie <alida@overstrand.gov.za>
Subject: Comment on application notification for Erf 1008, 37 Jan van Riebeeck Street, Sandbaai

Dear Alida,

I hope you are well. My mail is pertaining to a notification received via mail yesterday (30 October 205):

OVERSTRAND MUNICIPALITY
 ERF 1008, 37 JAN VAN RIEBEECK CRESCENT,
 SANDBAAI, OVERSTRAND MUNICIPAL AREA:
 APPLICATION FOR REMOVAL OF RESTRICTIVE
 TITLE DEED CONDITIONS AND DEPARTURE:
 MESSRS PLAN ACTIVE TOWN- AND REGIONAL
 PLANNERS ON BEHALF OF JP MALAN

I am the owner of Erf 1010 at 50 Piet Retief Crescent, where I also reside. My property borders on Erf 1008. My comments on the application are that I have no objections to the proposed changes.

Thank you for consulting with relevant parties and best wishes,

Laurene Booyens
 Cell: 083 293 9443

Sent from my iPhone

TOWN & REGIONAL PLANNERS STADS-EN STREEKSBEPLANNERS

Our reference: PA25058/ML

Your reference: 1008 HSB

Application ID: 5104 HSB

10 December 2025

THE MUNICIPAL MANAGER
OVERSTRAND MUNICIPALITY
P.O. BOX 20
HERMANUS
7200

FOR ATTENTION: MR HENK OLIVIER

Sir

PROPOSED DEPARTURE AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: ERF 1008 SANDBAAI

- J.P. MALAN

Reference is made to our application dated 7 October 2025 and your email with objections attached thereto dated 9 December 2025.

This document responds to the two objections submitted by Prof Derik Gelderblom (Erf 72 Sandbaai) and Ms Anette Hugo (Erf 1317 Sandbaai) as well as noting the letter of support / no objection from Ms Laurene Booyens (Erf 1010 Sandbaai – immediate neighbour). It should also be noted that erven 72 and 1317 Sandbaai, are neither immediate neighbours to Erf 1008 nor located within close proximity; accordingly, the proposed development has no direct spatial or amenity impact on these properties. Herewith our response:

OBJECTION: Setting a dangerous precedent / planning anarchy. The objector expresses concern that the removal of restrictive conditions could create an uncontrolled precedent allowing widespread disregard for existing planning controls. He further argues that densification policy does not justify the proposal and suggests subdivision instead.

1. The application does not remove all planning controls:

- Only outdated *title deed* restrictions are being removed.
- The property remains fully subject to the Overstrand Zoning Scheme Regulations, the Spatial Development Framework (SDF), and the densification strategy, all of which regulate land use, coverage, height, building lines, services and neighbour considerations.

- Therefore, no “planning anarchy” is created; on the contrary, the proposal aligns the property with the current statutory planning regime, which takes precedence over restrictive title conditions from the 1950s–1970s.
- 2. **The application is consistent with Overstrand’s municipal policy direction.**
 - The Municipal SDF and densification guidelines encourage appropriate infill development and more efficient use of existing serviced land.
 - Secondary dwellings, outbuildings and densification through additional units are routine town-planning mechanisms supported across the municipality, including in Sandbaai.
- 3. **Subdivision is not an appropriate or comparable alternative.**
 - The objector suggests subdivision as a “preferable route,” but subdivision introduces higher service demands, new access points and potential impacts very different from those of a small additional dwelling or second unit.
 - The proposed development respects existing bulk, height, character, and municipal service thresholds.
 - The zoning scheme already permits two dwellings on the erf if title deed restrictions are removed, demonstrating the municipality’s intended use rights for Residential Zone 1.
- 4. **No negative impact on spatial character.**
 - Sandbaai comprises a mixture of single dwellings, second dwellings, and converted structures on many erven.
 - The proposal fits within this evolving character and does not exceed height, coverage, or intensity norms.

OBJECTION: Building on the boundary line / neighbour impact

1. **The proposed departure complies with municipal policy and practice:**
 - Boundary-line outbuildings or second dwellings are routinely permitted where building design, fire safety, and neighbour amenity are not compromised.
 - The proposed structure will adhere to all technical standards, including:
 - fire-resistant wall construction;
 - no overlooking windows onto neighbours;
 - compliance with engineering and building regulations.
2. **Neighbour privacy and amenity remain protected.**
 - No second storey or height departure is proposed.
 - The proposal has a smaller visual impact compared to a double-storey dwelling.

OBJECTION: Unmanageable precedent – everyone will build second dwellings. Ms Hugo objects that approving a second dwelling would create a precedent encouraging many similar developments in Sandbaai, which she considers having small erf sizes. She also raises construction and maintenance concerns relating to boundary-line walls.

1. **Second dwellings are already permitted in the zoning scheme.**
 - Residential Zone 1 explicitly allows a second dwelling or outbuilding subject to municipal approval.
 - The zoning scheme anticipates that many properties may eventually apply for a second dwelling; this is not an unintended consequence but part of the municipality’s spatial and housing strategy.
2. **Each application is assessed on its own merit.**
 - Approval of this application does not automatically permit all properties to erect second dwellings or boundary-line structures.
 - The Municipality retains full discretion and evaluates aspects such as erf size, layout, access, service capacity, impact on neighbours and policy compliance.
3. **Boundary maintenance concerns are addressed by established legal mechanisms.**
 - The proposed second dwelling will not encroach the 2m lateral and rear building lines.
 - South African building legislation and neighbours-rights provisions allow temporary access for maintenance where necessary, with the obligation to fully restore any affected landscaping or structures.
 - The applicant undertakes to comply fully with these requirements and to coordinate maintenance work with adjoining owners.

OBJECTION: Sewerage system pressure

1. **The Municipality confirms service capacity during LUM review.**
 - o All land-use applications are circulated to the Engineering Department for comment.
 - o No approval is granted unless the service infrastructure, including sewer capacity, is confirmed as adequate.
2. **A second dwelling generates significantly less service demand than subdivision.**
 - o A subdivision (as suggested by Prof Gelderblom) would double service demand and connection points.
 - o A small second dwelling or ancillary unit is a low-impact intensification measure well within Sandbaai's existing service thresholds.
3. **Sandbaai already accommodates numerous second units without system overload.**
 - o The municipal engineering reports for Sandbaai reflect incremental upgrade planning aligned with growth patterns anticipated by the SDF.

LETTER OF SUPPORT / NO OBJECTION

Ms Booyens, whose erf **directly borders** Erf 1008 Sandbaai, states clearly: "I have no objections to the proposed changes." This support is significant, as she is an **immediate neighbour** most directly affected by the proposal. Her non-objection demonstrates that the development **does not negatively affect adjacent residential amenity**.

CONCLUSION

The objections raised relate primarily to general concerns about densification, interpretation of precedent, and construction logistics, rather than demonstrable negative impacts arising from this specific proposal.

After addressing the concerns in detail, it is respectfully submitted that:

- The proposal is fully aligned with municipal planning policy.
- It does not undermine neighbourhood character or amenity.
- It does not impose unacceptable service, privacy, or boundary impacts.
- It formalises land-use rights already contemplated in the Overstrand Zoning Scheme.
- The application is supported by at least one directly adjoining neighbour.

Accordingly, it is submitted that the objections do not provide sufficient grounds to refuse the application, and the proposal should be approved.

We trust that you find the above in order and that you will now be able to proceed with the processing of the application.

Yours faithfully



M. LERM Pr. Pln. (A/158/2009)
PLAN ACTIVE

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS AND DEPARTURE: ERF 1008, SANDBAAL (5104/2025)**

Stormwater (SW)	:	In order
Electricity	:	In order
Water	:	In order
Sewer	:	In order
Roads and traffic	:	In order

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, regarding the capacity required and that available, at the owner's cost;
3. that the developer investigates and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the Principal Technologist: Hermanus for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that no reservation of on-street parking be allowed;
7. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
8. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.
9. That the proposed garage may not be constructed over the existing sewer pipeline without the prior consent (during building plan submission) of the Principal Technologist: Hermanus and provided that the sewer line is adequately protected by encasing it in reinforced concrete to the satisfaction of the Principal Technologist: Hermanus


RICARDO ANDREW


DATE

PRINCIPAL TECHNOLOGIST: DEVELOPMENT CONTROL

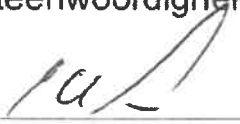
WIE DIT MAG AANGAAN

Ek, die ondergetekende,
J.A. SWANEPOEL
ID NO: 790302 5074 087

Registreerde eienaar van:
ERF No: 2864, 39 Jan van Riebeeck, SANDBAAI

Nomineer, konstitueer en gee hiermee toestemming dat **Mnr Jacques Pierré Malan**,
ID NO: 700103 5159 087 kan bou tot teenaan my grenslyn by 37 Jan van Riebeeck,
Sandbaai. **ERF No: 1008.**

Geteken te Hermanus.....op hierdie 20ste dag van September 2025, in die
teenwoordigheid van die ondergetekende getuies.



HANDTEKENING: J.A.SWANEPOEL

AS GETUIES:

1. Naam: Magdalena Borch-Swanepoel
Handtekening: [Signature]
2. Naam: Rene-Marie Burke
Handtekening: [Signature]

WinDeed Database D/O Property

SANDBAAI, 1012, 0, CAPE TOWN

Lexis® WinDeed



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SEARCH CRITERIA

Search Date	2025/10/13 11:58	Erf Number	1012
Reference	Merike	Portion Number	-
Report Print Date	2025/10/13 11:58	Deeds Office	Cape Town
Township	SANDBAAI	Search Source	WinDeed Database

PROPERTY INFORMATION

Property Type	ERF	Diagram Deed Number	T1694/1950
Township	SANDBAAI	Local Authority	HERMANUS MUN
Erf Number	1012	Province	WESTERN CAPE
Portion Number	0	Extent	1392.0000SQM
Registration Division	CALEDON RD	LPI Code	C01300200000101200000
Previous Description	-		

OWNER INFORMATION (1)

SWANEPOEL JAN ANDRIES		Owner 1 of 1	
Person Type	PRIVATE PERSON	Document	T17372/1999
ID Number	7903025074087	Microfilm / Scanned Date	2005 0651 0748
Name	SWANEPOEL JAN ANDRIES	Purchase Price (R)	200 000
Multiple Owners	NO	Purchase Date	1999/01/25
Multiple Properties	NO	Registration Date	1999/03/03
Share (%)	-		

ENDORSEMENTS (2)

#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	B5188/2005	A B S A BANK LTD	480 000	2005 0651 0730
2	B28220/2017	A B S A BANK LTD	1 200 000	-

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HISTORIC DOCUMENTS (6)				
#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	B24375/1994	ABSA BANK	28 000	1999 0150 4213
2	B41306/1996	A B S A BANK	39 500	1999 0150 4216
3	B61400/2002	-	200 000	2005 0651 0747
4	B73265/1993	A B S A BANK	102 500	1999 0150 4210
5	T12988/1967	LINDHOUT JACOB VAN WYNGAARDEN	Unknown	1993 0182 4220
6	T21013/1993	DAY ANDRE	32 000	1999 0150 4181

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WinDeed Database D/O Property

SANDBAAI, 2864, 0, CAPE TOWN

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SEARCH CRITERIA

Search Date	2025/10/14 07:43	Erf Number	2864
Reference	Merike	Portion Number	-
Report Print Date	2025/10/14 07:44	Deeds Office	Cape Town
Township	SANDBAAI	Search Source	WinDeed Database

PROPERTY INFORMATION

Property Type	ERF	Diagram Deed Number	T13425/2022
Township	SANDBAAI	Local Authority	HERMANUS MUN
Erf Number	2864	Province	WESTERN CAPE
Portion Number	0	Extent	594.000SQM
Registration Division	CALEDON RD	LPI Code	C01300200000286400000
Previous Description	-		

OWNER INFORMATION (1)

SWANEPOEL JAN ANDRIES		Owner 1 of 1	
Person Type	PRIVATE PERSON	Document	T13425/2022
ID Number	7903025074087	Microfilm / Scanned Date	-
Name	SWANEPOEL JAN ANDRIES	Purchase Price (R)	CRT
Multiple Owners	NO	Purchase Date	-
Multiple Properties	NO	Registration Date	2022/03/30
Share (%)	-		

ENDORSEMENTS (1)

#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	SUBDIVISION FROM	TOWN SANDBAAI ,ERF 1012 ,PRTN 0	-	0000000000 00 *

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HISTORIC DOCUMENTS (3)				
#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	T17372/1999	SWANEPOEL JAN ANDRIES	200 000	2005 0651 0748
2	B5188/2005	A B S A BANK LTD	480 000	2005 0651 0730
3	B28220/2017	-	1 200 000	-

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