



**MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL
(MPT)**

A G E N D A

DATE:	29 MAY 2025
VENUE:	TOWN PLANNING COMMITTEE ROOM
TIME:	14:00

OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT
Civic Centre
HERMANUS
7200

22 May 2025

TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

CONVENING NOTICE : SESSION OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

NOTICE IS HEREBY GIVEN that the **Municipal Planning Tribunal (MPT)** will go into session in the Town Planning Committee Room on **Thursday, 29 May 2025** at **14:00** to consider the attached agenda.

H JANSER (MS)
CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL

Distribution:

1. Ms H Janser (Chairperson)
2. Mr S Müller (Vice Chairperson)
3. Mr H Blignaut (Member)
4. Ms R Louw (Member)
5. Mr R Kuchar (Authorised Official)
6. Mr S van der Merwe (Senior Town Planner)
7. Ms H van der Stoep (Senior Town Planner)
8. Mr B Minnaar (Town Planner)
9. Secretariat

MUNICIPAL PLANNING TRIBUNAL (MPT)

29 May 2025

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1. OPENING

2. APPLICATIONS FOR LEAVE OF ABSENCE

3. CONFIRMATION OF MINUTES

3.1 Minutes of a Municipal Planning Tribunal Meeting held on 29 April 2025

4. ITEMS FOR CONSIDERATION

4.1 ERF 249, 52 CREST ROAD, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE CONDITIONS: J DOUGLAS ON BEHALF OF A AND MV SMIT

Report attached

4.2 ERF 197, 23 MYRTEL STREET, SANDBAAI: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS MB PLAN TOWN PLANNING ON BEHALF OF HERMANUS CHILD AND FAMILY SERVICES

Report attached

4.3 ERF 210 GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, DEPARTURE AND APPROVAL OF A MINING SITE DEVELOPMENT PLAN: MESSRS SETPLAN ON BEHALF OF DYNAVEST THIRTEEN PTY LTD

Report attached

4.1

**ERF 249, 52 CREST ROAD, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE CONDITIONS: J DOUGLAS ON
BEHALF A AND MV SMIT****249 GPB (4804/2024)****SW van der Merwe
04 April 2025****(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 30 August 2024 from J Douglas on behalf of A and MV Smit, owners of Erf 249, Pearly Beach for the following:

- **removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law for removal of conditions B.4(b) and B.4(d) contained in Title Deed T30507/2016.

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, the proposed Site Development Plan is attached as Annexure C. The title deed is attached as Annexure D.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 249, Pearly Beach measures 833m² in extent and is zoned Residential Zone 1: Single Residential. The property is developed with a dwelling house measuring 73,31m² in extent.

It is the intent of the owner to construct a new dwelling with a garage and carport. The new dwelling will become the primary dwelling, whilst the existing dwelling will become a second dwelling unit. The proposal also entails the construction of a carport, situated on the 2m rear building line.

The title deed contains a one dwelling unit as well as a 4,72m street-, 1,57m lateral- and 3,15m rear building line restriction, hence the application for removal of restrictive title deed conditions.

4. SUMMARY OF APPLICANT'S MOTIVATION

The applicant's motivation (refer to Annexure B) is summarised as follows:

- ❖ The surrounding use is predominant residential.
- ❖ The proposal complies with the development parameters in terms of the Overstrand Land Use Scheme.
- ❖ Proposal is for normal residential structures in keeping with the character of Pearly Beach and the wider Overstrand area.
- ❖ Proposal complies with the Overstrand Land Use Scheme, 2020.

- ❖ Property is connected to municipal services.
- ❖ Property is situated within the urban edge and earmarked for urban development, thus consistent with the SDF.
- ❖ The proposal is residential in nature and therefore consistent with the OMGMS.

PLANNING PRINCIPLES

- (a) Spatial justice
Proposal will not perpetuate apartheid spatial imbalances.
- (b) Spatial sustainability
Proposal will ensure the property is utilized to its maximum capability.
- (c) Efficiency
The proposal will maximise the use of the property to its full potential.
- (d) Spatial Resilience
The proposal is not in conflict with spatial planning policies.
- (e) Good Administration
The proposal will be subject to public participation allowing interested and affected parties to comment within the permissible timeframes.

REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

- (a) Financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement

No person or entity will be affected financially by the removal. The owner will benefit due to increased property value.

- (b) Personal benefits which accrue to the holder of rights in terms of the restrictive condition

The restrictive conditions were imposed by the Administrator for the benefit of Pearly Beach. There is no personal benefits that accrue to the holder of the rights if it is to remain in place.

- (c) Personal benefits which will accrue to the person seeking the removal of the restrictive condition

The property owner will be able to develop a primary and second dwelling on the property in accordance with the Overstrand Land Use Scheme.

- (d) The social benefit of the restrictive condition remaining in place in its existing form

The restrictive condition remaining in place does not have a social benefit.

(e) The social benefit of the removal or amendment of the restrictive conditions

The land use scheme will determine the applicable development parameters for the future development of the property. Social benefit would be for the property owner as it enables development of the property in accordance with the land use scheme.

(f) Will the removal, suspension or amendment of the restrictive conditions completely remove all rights enjoyed by the beneficiary or only some of those rights

The application only seeks to remove the one dwelling unit and title deed building line restrictions.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local Newspaper	Yes	01 November 2024	20 December 2024
Gazette	Yes	15 November 2024	20 December 2024
Notices (<i>possibly affected property owners</i>)	Yes	13 November 2024	20 December 2024
Notices (<i>persons mentioned in title deed</i>)	Yes	13 November 2024	20 December 2024
Internal Departments	Yes	15 November 2024	20 December 2024
Ward councillor	Yes	15 November 2024	20 December 2024
Total comments	Six (6) letters of objections		
Total letters of support	Nine (9) letters of support		
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 Control	15/11/2024	No objection. Building plan application must comply with all applicable law.
Waste Management	24/11/2024	No objection.
Engineering Services	21/02/2025	Attached as Annexure G.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Six objection letters and nine letters of support were received within the objection/comment period. The letters are attached as Annexure E and the applicant's response as Annexure F. The main grounds of objection are summarised below, followed by the response from applicant and the town planners' response.

JOHN AND CARYL SAMPSON

I wish to make my objection to planning permission for a second dwelling on Erf 249, Pearly Beach which will lead to all dwellings being allowed to do this causing high density living in a conservation area and allow one rates and taxes one conservancy tank one refuse collection for two dwellings.

RESPONSE FROM APPLICANT

The Overstrand Municipality Land Use Scheme permits a second dwelling on a single residential zoned property as a primary land use right. The title deed however restricts the property to one dwelling unit only. The purpose of removing the one dwelling restriction is to allow the property owner to enjoy the land use rights that are enjoyed by the current applicable legislation and not be restricted by title deed clauses that were put in place when there was no planning legislation to control development.

The rates and taxes will be adjusted in the event that this application is approved to accommodate a second dwelling.

The objector does not stipulate any reasoning behind the "conservation area" notion. Referring to the Plan 37 on page 103 of the Overstrand Municipality Spatial Development Framework, the site is not located in any conservation worthy areas. Therefore, the notion that the property is within a conservation area should be disregarded.

RESPONSE FROM TOWN PLANNER

The applicant's comment is noted and agreed with. The application property comprises an established erf within an existing residential area of Pearly Beach. The application will not impact any natural or conservation worthy areas.

FRASER CONLON

Please accept this email as a strong objection to the proposed plans to erect a second dwelling on ERF 249.

This property, as noted, is zoned as a single residence permitting one residence. This applies to all the residences that fall under the same zoning.

Allowing the erection of a second dwelling sets a village precedent that if allowed for this dwelling should be allowed for all dwellings. The “knock on” effect of passing such plans will have dire consequences for the village long term.

Why should this property pay single rates and taxes and have two dwellings?

Why should this property have one conservancy tank servicing two properties?

Why should this property be permitted to have single refuse collection servicing two properties? Etc. etc.

Furthermore, passing such plans will only serve to increase structural and human density in a village that is designated a conservancy, and every effort should be utilised to enforce the laws that protect the environment from such a development.

The owners of this property should be subject to all the building laws, terms and conditions that are in place for a good reason and that apply to every landowner in Pearly Beach. The municipality cannot favour one resident over the others and not expect there to be negative consequences in the future. What is good for one is good for all and similarly rules that apply to one should apply to all.

Please note that I am owner of the following: Erf 410, Erf 1897 and Erf 332 and object to this proposed application on behalf of all these erf's.

RESPONSE FROM APPLICANT

The objection points regarding not allowing the addition of a second dwelling, conservation worthy area, additional rates and taxes to imposed as well as conservancy tank and refuse collection should refer to the response to the objection received by John and Caryl Sampson.

The notion of “what is good for the one is good for all” is a point that is agreed upon. All properties in the Pearly Beach area are restricted to the development parameters as stipulated within the Overstrand Municipality Land Use Scheme. The scheme permits the development of a second dwelling on a single residential property as a primary land use right which does not require the need for a land use planning submission for approval thereof. However, restrictive title deed conditions stipulated in the title deed of a property may contain stricter land uses and development properties which requires the submission of a land use planning application to bring the property's development rights to be in line with the Overstrand Municipality's Land Use Scheme. Any single residential, Pearly Beach, property may be restricted in terms of the same single dwelling restrictive condition which may be removed, subject to the submission of a land use planning application and the approval thereof. Therefore, the notion of what is good for the one is good for all is not deviated from.

Furthermore, the objector does not stipulate what negative consequences will arise in future which makes it difficult to respond to and should therefore be disregarded as an objection point.

RESPONSE FROM TOWN PLANNER

The Overstrand Land Use Scheme provides for a second dwelling as a primary right and has the buy in from the community at large. Similar applications had in the past been supported in Pearly Beach. Since all owners has a right to apply it is not a case that the applicant is favoured at the cost of Pearly Beach residents. Combined, the primary and second dwelling unit needs to comply with the development parameters pertaining to building lines, coverage and height, which is the same regardless of the fact whether a property is developed with one or two dwelling units. Also to note that in terms of the primary dwelling unit there is no restriction on the number of bedrooms. Thus, a single dwelling on a property could have a far greater impact opposed to the proposed one bed second dwelling and three-bedroom primary dwelling.

In the past several applications to accommodate a second dwelling units had been supported.

Services are limited to single connection points, whilst only one sewage suction point will be accepted. Property rates are based on land value as well as the value of the improvements. Thus, it is clear that it will not be to the detriment of adjoining property owners.

MARTIN JOUBERT

I am writing to formally object to the proposed relaxation of building regulations that would allow for the construction of more than one dwelling on a single residential property. While I understand the need to address housing shortages, this proposal raises concerns, particularly given the context of this specific property and the wider implications for the community.

1. Original Construction Intentions

It is important to note and am I of opinion that the original construction on this property was deliberately positioned to allow for the potential building of an additional dwelling. This raises questions about the motives behind the initial development and suggests a premeditated attempt to circumvent or exploit current planning regulations. Approving this proposal would set a dangerous precedent, encouraging developers to design properties with future regulatory relaxation in mind, regardless of existing zoning intentions. To this end I would like to refer you to the erf diagram layout and the plans which justifies the current dwelling. Further hereto I attach pictures of the built dwelling that clearly illustrates my point. Google Earth view from above also points to this. See last photo attached with approximate current dwelling indicated.

2. Impact on Neighbourhood character

Permitting multiple dwellings on single residential lots could fundamentally alter the character of our community. Established neighbourhoods with carefully planned layouts and open spaces risk being transformed into high density developments, eroding their charm, identity, and the quality of life for current residents.

3. Precedent for Overdevelopment

Approving this application could create a precedent for further overdevelopment in the area. Once developers see that regulations can be easily relaxed, similar proposals may proliferate, leading to unchecked growth, overcrowding, and the gradual degradation of the neighbourhood.

4. Strain on Infrastructure and Service

Our local infrastructure-including roads, sewage systems, public utilities, schools, and emergency services-is already under significant pressure. Higher-density housing would exacerbate these issues, leading to increased maintenance costs and reduced quality of services for all residents.

5. Environmental Concerns

The addition of multiple dwellings often leads to a loss of green spaces, increased impervious surfaces, and strain on local ecosystems. This is particularly problematic in areas vulnerable to over development or where biodiversity is already threatened.

6. Lack of Community Consultation and Safeguards

Housing policy decisions should prioritise thoughtful, comprehensive urban planning with robust community input. Relaxing regulations without clear safeguards undermines the integrity of the planning process and risks alienating residents.

In light of these issues, I strongly urge the decision-making body to reject this proposal. The potential precedent it sets is considerable and cannot be ignored. Any housing solutions must be carefully balanced to address housing needs without sacrificing the character, liveability, and sustainability of our neighbourhoods.

RESPONSE FROM APPLICANT

The development of a single residential zoned property can be developed with a dwelling house in any position and shape subject to it being compliant with the relevant legislation such as the land use planning development restrictions and the building regulations to name a few. The property owners did not exploit any regulations; however, they did and are complying with the applicable legislation by submitting the relevant application to acquire the land use rights stipulated within the Overstrand Municipality Land Use Scheme. Furthermore, should this application be approved, the property owners will then be utilising the property more efficiently and effectively as a resource.

The proposal is for the development of a second dwelling unit and not for the development of a high residential development (such as flats) - on a single residential zoned property. Referring to page 101 of the Overstrand Municipality Spatial Development Framework, the Pearly Beach area is expected to increase in population with various land opportunities for development growth (residential developments – complexes, residential stands or even flats). Furthermore, with reference to the Overstrand Municipality Growth Management Strategy, the future development proposal for the area of Pearly Beach is increased densification to permit subdivision and second dwelling units. Therefore, the proposal to develop a second dwelling unit on the property is in line with the future development proposals of the area.

The notion of overdevelopment is irrelevant due to the proposal being for the development of a second dwelling unit on the subject property and not a residential development that would be dramatically increase the density of the area as a whole. As mentioned in the previous paragraph, the proposal is in line with the future planning proposals for the area that would not be subject to overcrowding as the objector stipulates.

The infrastructure network of the greater Overstrand municipal area utilises conservancy tanks due to the lack of a proper sewage system. Furthermore, many of the single residential zoned properties in the Overstrand area have second dwelling units on their property which has undergone a similar land use planning application process. In the event that this application is approved, the conservancy tank will be upgraded to the satisfaction of the Engineering Services department as well as the Building Control department in order to service both dwelling units on the property.

As mentioned, the objection point regarding the conservation worthy area should refer to the response to the objection received by John and Caryl Sampson.

To clarify, the proposal is not for the development of a high-density residential development nor is it for housing (government funded housing projects). The proposal is to permit the development of a second dwelling which is compliant with the Overstrand Municipality Land Use Scheme and the future planning documents for the area.

RESPONSE FROM TOWN PLANNER

Applicants comment is noted and agreed with.

ANDREW SMITH

In terms of this notification to remove the restrictions in order to build a completely new abode on this site, where there is already a residence which by appearances is not permanently occupied.

I therefore strongly object to this proposal in its entirety as the application deviates from being residential to becoming a business as it is obvious that the only reason to build another residence on this site is to create a lettable space i.e. Bed and Breakfast or holiday, weekend rental, which is unbecoming of Pearly Beach residential norms and standards.

As an addendum to my objection could you confirm that should this project be given the go ahead that this property would be charged twice for all municipal surcharges i.e. electricity, water and sewerage charges. Obviously, rates and taxes would increase in line with increase property value.

RESPONSE FROM APPLICANT

The point raised that the property is not permanently occupied has no relevance to this application and should be disregarded.

The point raised that the property would become a business is irrelevant due to the Overstrand Land Use Scheme permitting self-catering as well as a second dwelling unit as a primary land use right for single residential zoned erven. However, should the property owner want to operate a bed and breakfast, a consent use application would be required which is not the case for this application.

RESPONSE FROM TOWN PLANNER

The applicant's comment is noted and agreed with. Rates and taxes will be charged in accordance with the rates policy and approved tariffs. In this regard the property is only entitled to a single service connection.

JOHANN STRAUS

Ek stem glad nie tot die verslapping van die boulyne Erf 249 nie.

RESPONSE FROM APPLICANT

The objector does not elaborate the reasoning for the objection of the building line relaxation on Erf 249. The objection point should therefore not be considered relevant.

RESPONSE FROM TOWN PLANNER

Applicant's comment is noted and agreed with.

ANTON BLAAUW

I hereby would like to object against the removal of current regulations and that Erf 249 should remain under current title deed restrictions and building line relaxation.

RESPONSE FROM APPLICANT

The objector does not elaborate on the reason for objecting to the proposed application. The objection should therefore be disregarded

RESPONSE FROM TOWN PLANNER

Applicants comment is noted and agreed with.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

Refer to paragraph 7 above.

9. MUNICIPAL ASSESSMENT OF COMMENTS (Town Planner's comment on objections/and response thereon)

Refer to paragraph 7 above.

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 is in line with the planning objectives applicable to this application:

Spatial Justice

The proposal will not perpetuate apartheid spatial imbalances.

Spatial sustainability

The proposal will not impact on agricultural land or the natural environment, whilst ensuring optimal use of the property and ensure optimal use of the property within existing service capacities.

Efficiency

The proposal will maximise the use of the property to its full potential, ensuring optimal and efficient utilisation of the property.

Spatial Resilience

The proposal is consistent with the applicable strategic policy documents, which adheres to the principle of spatial resilience.

Good administration

The application followed the required planning procedures to ensure that land use activity is in line with municipal By-Laws and the public process has 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 Point 10.2 above.

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

The proposed development is consistent with the SDF and OMGMS that earmarks the area for urban development purposes and densification through subdivision and permitting second dwellings.

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

N/A

10.6 Impact on municipal engineering services

The existing services are available and will not be impacted by the proposal.

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

The proposed development 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 proposal aligns with the Overstrand Land Use Scheme that permits a primary and second dwelling, subject to compliance with the development parameters as a primary right.

10.9 ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The title deed T 30507/2016 applicable to property contains the following restrictions proposed for removal namely:

B.4(b) it shall be used only for the purpose of erecting hereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;

B.4(d) No building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf, nor within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority, an outbuilding not exceeding 3,15 meters in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven, this condition shall apply to the consolidated area as one erf.

In terms of Section 39 (5) of LUPA the application for removal is motivated as follows:

The financial or other value of the rights

No person or entity will be affected financially by the removal. The owner will benefit due to increased property value.

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

The restrictive conditions were imposed by the Administrator for the benefit of property owners within Pearly Beach. There are no personal benefits that accrue to the holder of the rights if it is to remain in place. The personal benefit would be increased property value as it will permit optimum use of the property to its full potential.

The social benefit of the restrictive condition remaining in place, and/or being removed/amended

There will be no social benefit for the retention of the restrictive conditions. Being removed the benefit would be that land use will be regulated in accordance with the provisions of the Overstrand Land Use Scheme, as approved by Council.

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

The application only seeks to remove the one dwelling unit and title deed building line restrictions. The no subdivision clause and 50% coverage restriction will remain.

11. THE DESIRABILITY OF THE PROPOSAL

The application property is developed with a one-bedroom dwelling. The applicant proposes to construct a new dwelling that will become the primary dwelling towards the rear of the property. The lower ground floor comprises garages with a carport extending onto the rear building line in terms of the land use scheme.

The removal of the one dwelling unit restriction and the title deed building line is not considered to affect vested rights of adjoining properties, nor would it appear out of keeping with the character of the area or the greater Pearly Beach area. Also, similar applications had been supported in the past, thus it is not considered out of keeping with the area character.

The use of the property remains for single residential purposes. It can also be argued that a single dwelling can be erected with no restriction on the number of bedrooms could have a far greater impact compared to the modest proposal comprising a new three bed primary dwelling with garages on lower ground and a one bedroom second dwelling unit. The proposal further complies with the development parameters of the land use scheme.

It should also be pointed out none of the property owners abutting the application property objected whilst several letters of support had also been received.

The applicant proposes a garage on the lower ground level with a carport extending up to the 2m rear building line; hence the application also includes removal of the restrictive title deed building lines. The direct affected adjoining properties did not object. Similar applications for removal or relaxation of the more restrictive title deed building lines had been supported in the past. Being situated rear of the proposed dwelling, the carport will not be visible from the street scape.

The proposal complies with the applicable forward planning and policy documents that promotes residential densification through amongst others construction of second dwelling units.

The proposal will not negatively impact upon municipal services.

The objectors did not put forward any substantive reasons demonstrating how the development will impact on existing vested rights.

Having had regard to the evaluation above, the application is considered desirable.

12. RECOMMENDATION

1. that the objections / comments 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 deed conditions** C.4(b) and B.4(d) as contained in title deed T30507/2016 applicable to Erf 249, Pearly Beach, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions;
 - (a) 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;
 - (b) that all the conditions in the Services Report (attached as Annexure G), be complied with;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme, and
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
3. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 with regard to the above conditions of approval.

13. REASONS FOR RECOMMENDATION

Reasons for approval

- ❖ The application has followed due procedure.
- ❖ The development is consistent with the applicable strategic policy documents.
- ❖ The development is consistent with the planning principles.
- ❖ The development does not detract from the character of the surrounding area.
- ❖ The development does not unacceptably detract from the vested rights of adjoining property owners

14. ANNEXURES

- Annexure A: Locality Plan
Annexure B: Motivation Report
Annexure C: Site Development Plan
Annexure D: Title Deed T30507/2016
Annexure E: Objections and support letters received
Annexure F: Comment from applicant
Annexure G: Services Report

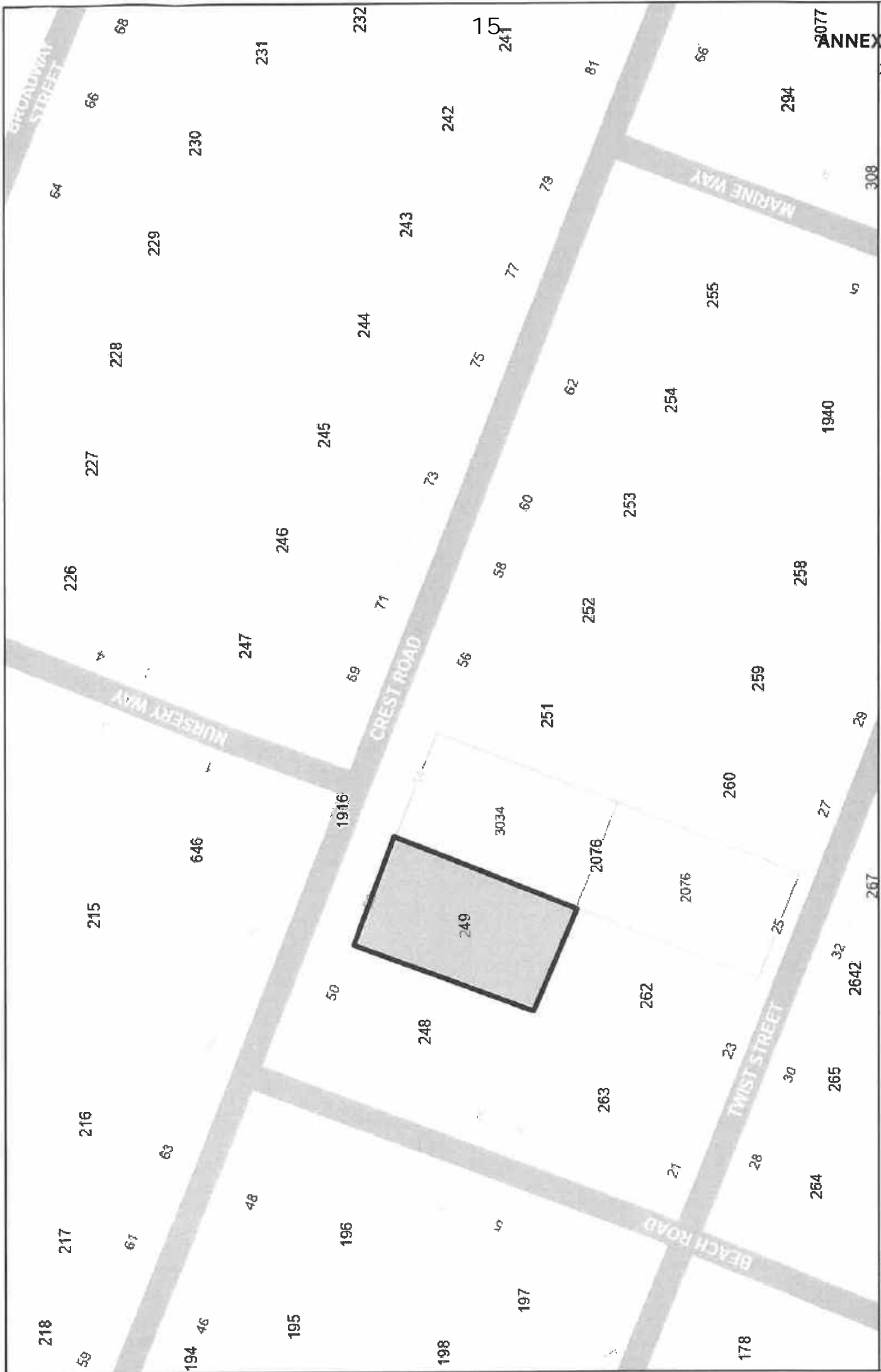
SIGNATURE**REGISTERED PLANNER**

Name: **SW VAN DER MERWE**

SACPLAN Reg No: **A/1850/2014**

Signature: _____

Date: _____



ANNEXURE A

Date: 2024/09/02

ERF 249, 52 CREST ROAD, PEARLY BEACH



1. Background

The subject property Erf 249 is situated in the residential neighbourhood of Pearly Beach and is located along Crest Road with an extent of 833m². According to the zoning map & Overstrand Municipal Land Use Scheme, 2020 the property is zoned as Single Residential Zone I: Single Residential (SRI). The property is developed with a one-bedroom dwelling house, with access gained from Crest Road.

It is the intent of the property owner to erect a new main dwelling house which will consist of a three-bedroom dwelling house with a garage and storage area as well as a carport that will be erected on the rear side of the property (170.18m²). The new dwelling house will be used as the main dwelling house and the existing dwelling house (73.31m²) will be used as a second dwelling.

The property owner consulted the relevant professional to ensure that their proposal would be successful. Upon consultation it was noted that the title deed of the property restricts the development of a second dwelling unit on the property and was therefore advised to remove the condition to allow the second dwelling unit on the property. As well as allowing the carport on the rear side of the property to encroach the title deed building line.

Jeané Douglas is hereby duly appointed by the property owner (Albertus Smit) to submit a land use planning application for the proposed development.

See Appendix-B for the Power of Attorney and Appendix-C for the Site Development Plan

2. Application

Application is hereby submitted in terms section 16.2.(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (ByOLaw) for the removal of the following restrictive title deed conditions contained Title Deed No. T.30507/2016 in order to accommodate a second dwelling and the proposed new carport over the 3.15m rear title deed building line:

- Restrictive title deed condition B.4(b); and
- Restrictive title deed condition B.4.(d)

3. Locality

The subject property is situated within the Overstrand Municipality, located 52 Crest Road, Pearly Beach. The location of the property is shown in the figure below as figure 1.

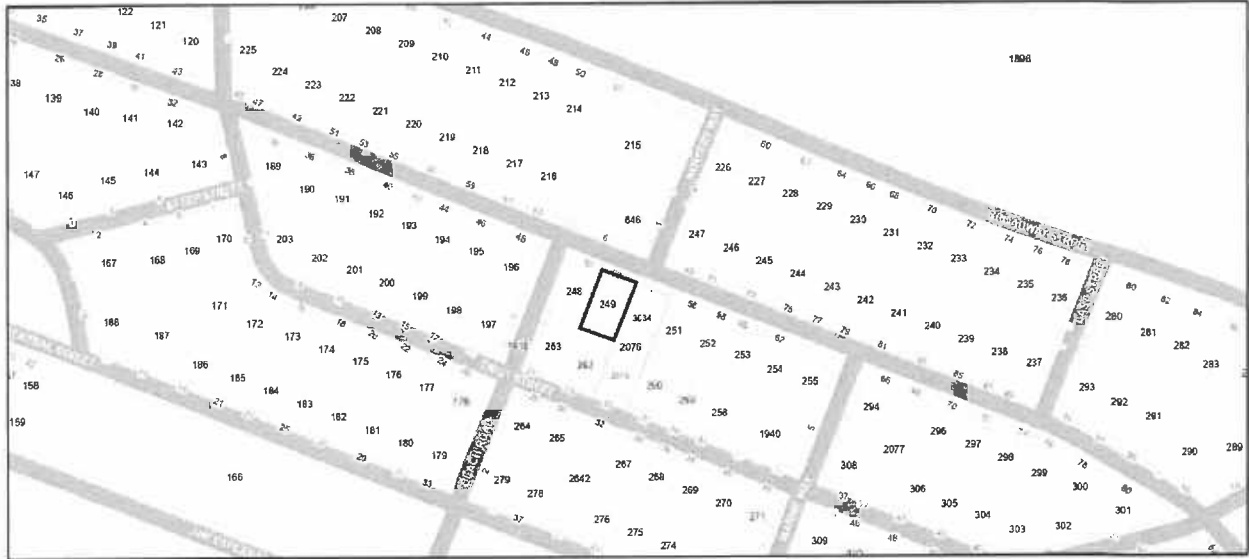


Figure 1: Locality Map of Erf 249, Pearly Beach

4. Land Use Environment

The property is situated in the residential neighbourhood of Pearly Beach where the predominant use of the area is for residential purposes. The zoning of the subject erf and the surrounding properties are zoned Single Residential Zone 1. The zoning in the area is shown below as Figure 2 and Appendix D.

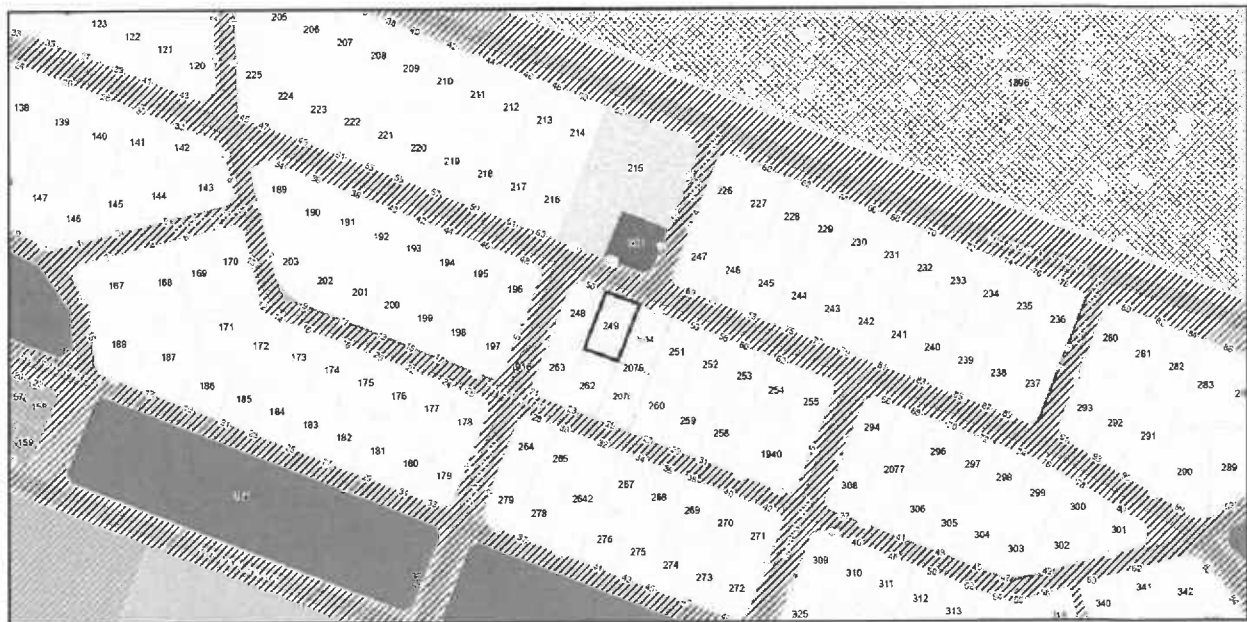


Figure 2: Surrounding Zoning

5. Land Use Scheme Parameters

The property is zoned Single Residential Zone 1 in terms of the Overstrand Municipality Land Use Scheme, 2020. The table below indicates the applicable parameters in terms of the zoning and the proposed departure.

	Scheme Parameters	Proposed Development	Departure Required
Coverage	50%	29.23%	No
Height	8m	Not applicable, the proposed	No
Street Building Line	4m	Not applicable, as the proposal does not encroach the street building line.	No
Title Deed Street Building Line	4.72m	Not applicable, as the proposal does not encroach the street building line.	No
Rear Building Line	2m	Not applicable, as the proposal does not encroach the rear building line.	No
Tite Deed Rear Building Line	3.15m	Applicable, carport is encroaching the title deed rear building line	Yes
Lateral Building Line	2m	Not applicable, as the proposal does not encroach the side building line.	No
Title Deed Lateral Building Line	1.57m	Not applicable, as the proposal does not encroach the side building line.	No
Lateral Building Line	2m	Not applicable, as the proposal does not encroach the side building line.	No
Title Deed Lateral Building Line	1.57m	Not applicable, as the proposal does not encroach the side building line.	No

6. Title Deed

In terms of the Title Deed No. T.30507/2016, Erf 249 Pearly Beach is registered in the name of Albertus and Moné Veronica Smit. Condition B.4.(b) as stipulated in the aforementioned title deed restricts the property of having no more than one (1) dwelling on the said property as well as condition B.4.(b) restricting the property owner to build over the title deed building lines. It is therefore proposed that Section B.4.(b) & B.4.(d) be removed from the title deed. The section to be removed reads as follows:

“B.4.(b) It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;

B.4.(d) No building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4.72 metres to the street line which forms a boundary of this erf, nor within 3.15 metres of the rear or 1.57 metres of the lateral boundary common to any adjoining erf, provided that with the consent of

the local authority, an outbuilding not exceeding 3.15 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven, this condition shall apply to the consolidated area as one erf."

The Title Deed is attached hereto as Appendix E.

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 value of the rights in terms of the restrictive condition vests in the surrounding property owners of Erf 249 Pearly Beach. The removal of the restrictive conditions will allow the property owners to accommodate the additions of a proposed second dwelling located on the front (northern portion) of the property as well as the proposed carport that will encroach the rear title deed building line. The financial benefit of removing the rights is that the additions will increase the value of the property (as any addition will increase the value of the property) and will allow the current property owners to increase the asking price when placed on the market. Additionally, by having the title deed building line parameters removed, the purchaser of the subject property will benefit by not going through a removal or title deed relaxation process if the property owners decide to develop the residential property further.

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

The restrictive title deed conditions were imposed by the Administrator for the benefit of the property owners of the Township Pearly Beach. With most municipalities adopting their own land use scheme the only benefit that accrues to the holder of these rights is that the property owners have more restrictive land use parameters in place when developing their property. Keeping the restrictive condition in place will not benefit the administrator, the applicable municipality (Overstrand Municipality) nor will it benefit the property owner.

- **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 conditions will benefit the property owners by being able to erect a second dwelling unit and erecting a carport that encroaches the rear title deed building line. The proposal will still be subject to provisions of the Overstrand Municipal Land Use Scheme.

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

There is not a social benefit if the restrictive conditions are to remain in place.

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

The removal of the restrictive conditions will allow the scheme building line regulation to set the guidelines for future developments on the subject property. The social benefit will only be for the property owner as it will allow the owner to erect a second dwelling unit and erect a carport encroaching the rear title deed building line on the subject property and will allow future developments constructed to be in line with the scheme regulations only.

- **Whether the removal 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 will not remove the rights enjoyed by the owners, as it will expand the value of the property by accommodating the proposal of a second dwelling and a carport encroaching the rear title deed building line. This will not have an impact on the rights of anyone or the character of the area.

Conclusion:

With reference to the above-mentioned, the proposal to remove the specific title deed restrictive conditions is only to allow the development of a second dwelling unit which is a primary land use right in terms of the current Overstrand Municipality Land Use Scheme. Additionally, the proposal to construct a carport over the 3.15m rear title deed building line up to the 2m scheme building line should also be considered due to the intent of the property owners to develop their property which is permitted in the current Overstrand Municipality Land Use Scheme. The removal of the above-mentioned title deed conditions should therefore be considered favourably from a town planning perspective.

7. Engineering Services

The subject property is connected to the existing Overstrand Municipality services network which includes electricity, water, sewage and solid waste.

8. Policies and Regulations

Overstrand Municipal Spatial Development Framework, 2020 (MSDF)

The Municipal Spatial Development Framework is a sectoral component of the IDP that, in terms of the MSA, is aimed at providing general direction to guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable and habitable regions, cities, towns and residential areas.

The proposed application is located within the urban edge and is indicated as part of the “urban development area”. The proposed additions to the residential zoned property are therefore in line with this forward planning document.

Overstrand Municipality Spatial Growth Management Strategy, 2010 (OMSGMS)

The Growth Management Strategy promotes the longer-term sustainability of the municipal area and its sub-regions. The property falls within the planning unit 3 of Pearly Beach; this section of Pearly Beach is predominantly for residential use. Since the proposed additions are of a normal residential nature, the proposal is therefore in line with the OMSGMS strategy.

9. Planning Principles

Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)

Section 7 of the "Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)" list 5 development principles based on which any development application must be evaluated.

The principles referred to are as follows:

1. Spatial Justice

Spatial Justice refers to planning proposals which do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal for the removal of title deed restrictions does not perpetuate apartheid spatial development imbalances.

2. Spatial Sustainability

Spatial sustainability refers to planning proposals which result in communities that are viable. This proposal for the removal of title deed restrictions intends to ensure the subject property is utilized to its maximum capabilities.

3. Spatial resilience

This proposal is not in conflict with any spatial planning policies or other regulations of the Overstrand Municipality.

4. Efficiency

This proposal intends to maximize the owner's utilisation of the property by erecting a second dwelling and a carport.

5. Good administration

The Overstrand Municipality has a credible track record of good administration regarding the method of public participation which invites and accepts comments from the public to make an informed decision as well as complying with the prescribed time frames pertaining to the processing of applications.

10. Need and Desirability

The proposal needs to be evaluated on the basis that the current situation is not utilizing the available space efficiently. The proposal to develop a carport over the title deed building line as well as to develop a second dwelling is considered normal residential structures which is in line with the character of the residential area in Pearly Beach as well as in residential areas across the Overstrand Municipal jurisdiction. The proposal is only for the removal of the restrictive title deed conditions B.4.(b) & B.4.(d) which restricts the development of a second dwelling as well as the development of a carport in its current proposed location. If the subject property were to have no restrictive title deed conditions, no land use planning application would be required since the current Overstrand Municipality Land Use Scheme permits a second dwelling as a primary right and no scheme building lines are encroached. The proposal is therefore to have the Erf 249 Pearly Beach to be subject to the Overstrand Municipal Land Use Scheme- Residential Zone1: Single Residential zoning's permitted land uses as well as its applicable parameters which is enjoyed by the majority of the Overstrand Municipal property owners.

With the above-mentioned, the proposal to remove the afore-mentioned restrictive title deed conditions should be considered favourable from a town planning perspective.

11. Recommendations

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

1. Application in terms of section 16(2)(f) for the removal of the following restrictive title deed conditions contained Title Deed No. T.30507/2016 in order to accommodate a second dwelling and the proposed new carport over the 3.15m rear title deed building line:
 - Restrictive title deed condition B.4(b); and
 - Restrictive title deed condition B.4.(d)

Olivier & Associates Attorneys
 5 Acorn Road
 Newlands
 Cape Town
 7700

Prepared by me

Purchase price/value	450 000,00	Office fee	R 530,00
Reason for exemption		Exemption i.e. 0	

[Signature]
 CONVEYANCER
 YOLANDI OLIVIER

DATA / CAPT
 14 JUN 2016
 NCAPAI LINL

000030507 / 2016

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

MARYKE CARINE HENNIG

appeared before me, REGISTRAR OF DEEDS, at CAPE TOWN, the said appearer being duly authorised thereto by ULRICH WERMUTH HOFFMANN in terms of a Power of Attorney dated 17th of March 2016 at Newlands, he in turn being duly authorised thereto by a Power of Attorney granted to him at Cape Town on the 5th of August 2015 by

The Executor in Estate of the late
DANIEL NICOLAS DURING
 Number 9391/2015

DATA / VERIF
 15 JUN 2016
 NGONGWAN
 GhostConvey 9.4.3.6a

And the appearer declared that his said principal had, on 8 January 2016, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

ALBERTUS SMIT
 Identify Number 600216 5111 089
 and
MONÉ VERONICA SMIT
 Identify Number 650213 0047 086
 Married in community to each other

their Heirs, Executors, Administrators or Assigns, in full and free property

ERF 249 PEARLY BEACH, IN THE OVERSTRAND MUNICIPALITY, DIVISION BREDASDORP, WESTERN CAPE PROVINCE

IN EXTENT: 833 (EIGHT HUNDRED AND THIRTY THREE) SQUARE METRES

FIRST TRANSFERRED by Deed of Transfer No.T17220/1954 with Diagram No. 4124/54 relating thereto and held by Deed of Transfer No.T136/95.

- A NOT SUBJECT** to the condition A on page 2 of Deed of Transfer No.T136/95 by virtue of Section 53 of the Mining Titles Registration Amendment Act 24 of 2003
- B. SUBJECT FURTHER** to the following conditions contained in Deeds of Transfer Nos.T17220/1954 imposed by the Administrator of the Province of the Cape of Good Hope under the provisions of Ordinance No.33 of 1934 when approving the said Township:-
1. Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under the Provincial Administration Notice No.401 dated 17 October 1935 and in the memorandum which accompanied the said Regulations.
 2. The owner of this erf shall without compensation be obliged to allow electricity and water mains and the sewage and drainage including stormwater of any other erf or erven within or without this subdivision to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time in order to construct, maintain, alter, remove or inspect any sewer, manhole, conduit or other work pertaining thereto.
 3. The owner of this erf shall be obliged, without compensation, to receive the material or permit excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

4. This erf shall be subject to the following further conditions, provided especially that where, in the opinion of the Administrator after consultation with the Townships Board and the local authority, it is expedient that the restrictions in any such conditions should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose:-

- (a) It shall not be subdivided;
- (b) It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;
- (c) No more than half the area thereof shall be built upon;
- (d) No building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf, nor within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority, an outbuilding not exceeding 3,15 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven, this condition shall apply to the consolidated area as one erf.

C. **FURTHER SUBJECT** to the following conditions contained in Deeds of Transfer No.T17220/1954 imposed by the transferors as owners of the remaining extent of the Township of PEARLY BEACH, for the benefit of themselves and of their successors in title to any erven in the said Township.

- 6. Until such time as a local urban authority is established for the Township of PEARLY BEACH all building, alterations to or additions to buildings shall before erection be fully described upon competent plans prepared for the purposes and no such buildings, alterations or additions shall be created or made without the previous written approval of PEARLY BEACH ESTATES (PROPRIETARY) LIMITED after submission to it of the said plans.
- 7. The registered owner of any occupant of the said land shall not permit or suffer to be erected or displayed thereon any hoarding or advertisements whatsoever except only a bona fide notice that the property is for sale, and any sale or dealing in intoxicating liquor on the said land is likewise prohibited.

WHEREFORE the said Appearer, renouncing all right and title which the said

THE ESTATE DANIEL NICOLAS DURING, as aforesaid.

heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

1. ALBERTUS SMIT, Married as aforesaid
2. MONÉ VERONICA SMIT, Married as aforesaid

their Heirs, Executors, Administrators or Assigns, now are and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum value of R450 000,00 (FOUR HUNDRED AND FIFTY THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, 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 30 May 2016.

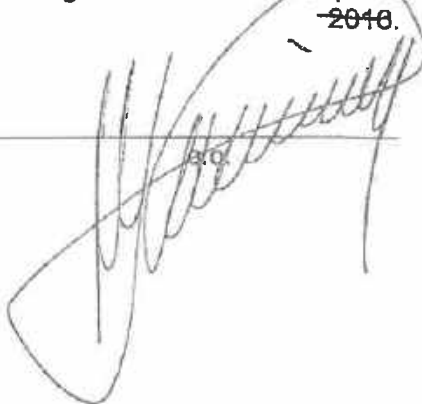
2016.

NGH

In my presence



 REGISTRAR OF DEEDS



Alida Conradie

29 249 GPB

From: John & Caryl Sampson
 Sent: Thursday, 19 December 2024 18:14
 To: Alida Conradie
 Subject: Objection to erection of 2nd dwelling

OVERSTRAND MUNISIPALITEIT

REKORDBEHEER

20 DEC 2024

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

TP-A Theart
(S vld Merkle)

Dear Alida,

I wish to make my objection to planning permission for a second dwelling on Erf 249 Pearly Beach which will lead to all dwellings being allowed to do this causing high density living in a Conservation Area and allow one rates and taxes one conservancy tank one refuse collection for two dwellings.

Kind regards

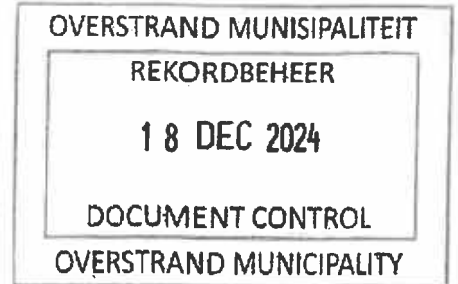
Caryl Sampson 37 Twist Street Pearly Beach

FILE NO.	Erf 249-GPB
SCAN NO.	
COLLABORATOR NO.	2575094

20 TP

Alida Conradie

From: Fraser Conlon
Sent: Wednesday, 18 December 2024 17:59
To: Alida Conradie
Subject: Objection to ERF 249 PEARLY BEACH



*TP - A Theart
(S vld Merwe)*

Dear Alida,

I trust that this email finds you well.

Please accept this email as a strong **objection** to the proposed plans to erect a second dwelling on ERF 249.

This property, as noted, is zoned as a **single** residence permitting **one** residence. This applies at **all** the residences that fall under the same zoning.

Allowing the erection of a second dwelling sets a village precedent that if allowed for this dwelling should be allowed for **all** dwellings. The "knock on" effect of passing such plans will have dire consequences for the village long term.

Why should this property pay single rates and taxes and have two dwellings?

Why should this property have one conservancy tank servicing two properties?

Why should this property be permitted to have single refuse collection servicing two properties? etc. etc.

Furthermore passing such plans will only serve to increase structural and human density in a village that is designated a Conservancy and every effort should be utilised to enforce the laws that protect the environment from such development.

The owners of this property should be subject to all the building laws, terms and conditions that are in place for good reason and that apply to every land owner in Pearly Beach. The municipality cannot favour one resident over the others and not expect there to be negative consequences in the future. What is good for one is good for all and similarly rules that apply to one should apply to all.

Please note that I am owner of the following: Erf 410, Erf 1897 and Erf 332 and object to this proposed application on behalf on all these erfs.

Thank you for your attention to this matter.

All the best,

Fraser Conlon

FILE NO. Erf 249-GPB
SCAN NO.
COLLABORATOR NO.
2574176

TP

Alida Conradie

From: Martin Joubert
Sent: Friday, 20 December 2024 12:19
To: Alida Conradie
Cc: Ansi Joubert; Martin Joubert
Subject: Application on the removal of title deed restrictions and building line relaxation of Erf 249 Pearly Beach (52 Crest Road Pearly Beach).

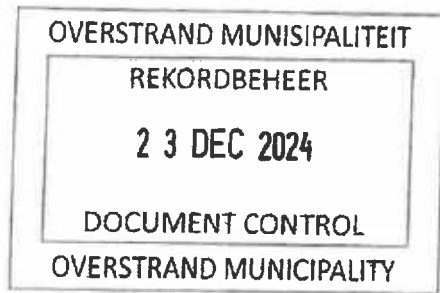
Good morning Alida,

Please find attached hereto objection for the proposed relaxation pertaining to the subject matter hereof.

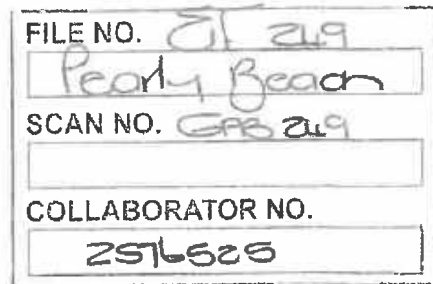
Please note and for avoidance of doubt this objection is shared by numerous property owners who have not had the means to personally object. If you would allow me the time (condonation of time for objections), I will personally submit signatures to this effect in a prescribed format.

Kind Regards,

--
 MJ Joubert(Martin)
 Petrol SA



*TP. N. Theobald
 (S. ud n bew)*



BUYING AND SELLING FILLING STATIONS

Written comments in terms of Sections 51 and 52 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 By-Law

Erf 249 Pearly Beach --- (52 Crest Road Pearly Beach)
 Application for the removal of restrictive title deed conditions: J Douglas on behalf of A & MV Smit
 Conditions B.4(b) & B.4(d) as contained in the title deed 30507/2016
 (to accommodate a second dwelling and a carport on the property)
 13 December 2024

To Whom It May Concern,

I am writing to formally object to the proposed relaxation of building regulations that would allow for the construction of more than one dwelling on a single residential property. While I understand the need to address housing shortages, this proposal raises serious concerns, particularly given the context of this specific property and the wider implications for the community.

1. Original Construction Intentions

It is important to note and am I of opinion that the original construction on this property was deliberately positioned to allow for the potential building of an additional dwelling. This raises questions about the motives behind the initial development and suggests a premeditated attempt to circumvent or exploit current planning regulations. Approving this proposal would set a dangerous precedent, encouraging developers to design properties with future regulatory relaxation in mind, regardless of existing zoning intentions. To this end I would like to refer you to the erf diagram layout and the plans which justifies the current dwelling. Further hereto I attach pictures of the built dwelling that clearly illustrates my point. Google Earth view from above also points to this. See last photo attached with approximate current dwelling indicated.

2. Impact on Neighborhood Character

Permitting multiple dwellings on single residential lots could fundamentally alter the character of our community. Established neighborhoods with carefully planned layouts and open spaces risk being transformed into high-density developments, eroding their charm, identity, and the quality of life for current residents.

3. Precedent for Overdevelopment

Approving this application could create a precedent for further overdevelopment in the area. Once developers see that regulations can be easily relaxed, similar proposals may proliferate, leading to unchecked growth, overcrowding, and the gradual degradation of the neighborhood.

4. Strain on Infrastructure and Services

Our local infrastructure—including roads, sewage systems, public utilities, schools, and emergency services—is already under significant pressure. Higher-density housing would exacerbate these issues, leading to increased maintenance costs and reduced quality of services for all residents.

5. Environmental Concerns

The addition of multiple dwellings often leads to a loss of green spaces, increased impervious surfaces, and strain on local ecosystems. This is particularly problematic in areas vulnerable to over development or where biodiversity is already threatened.

6. Lack of Community Consultation and Safeguards

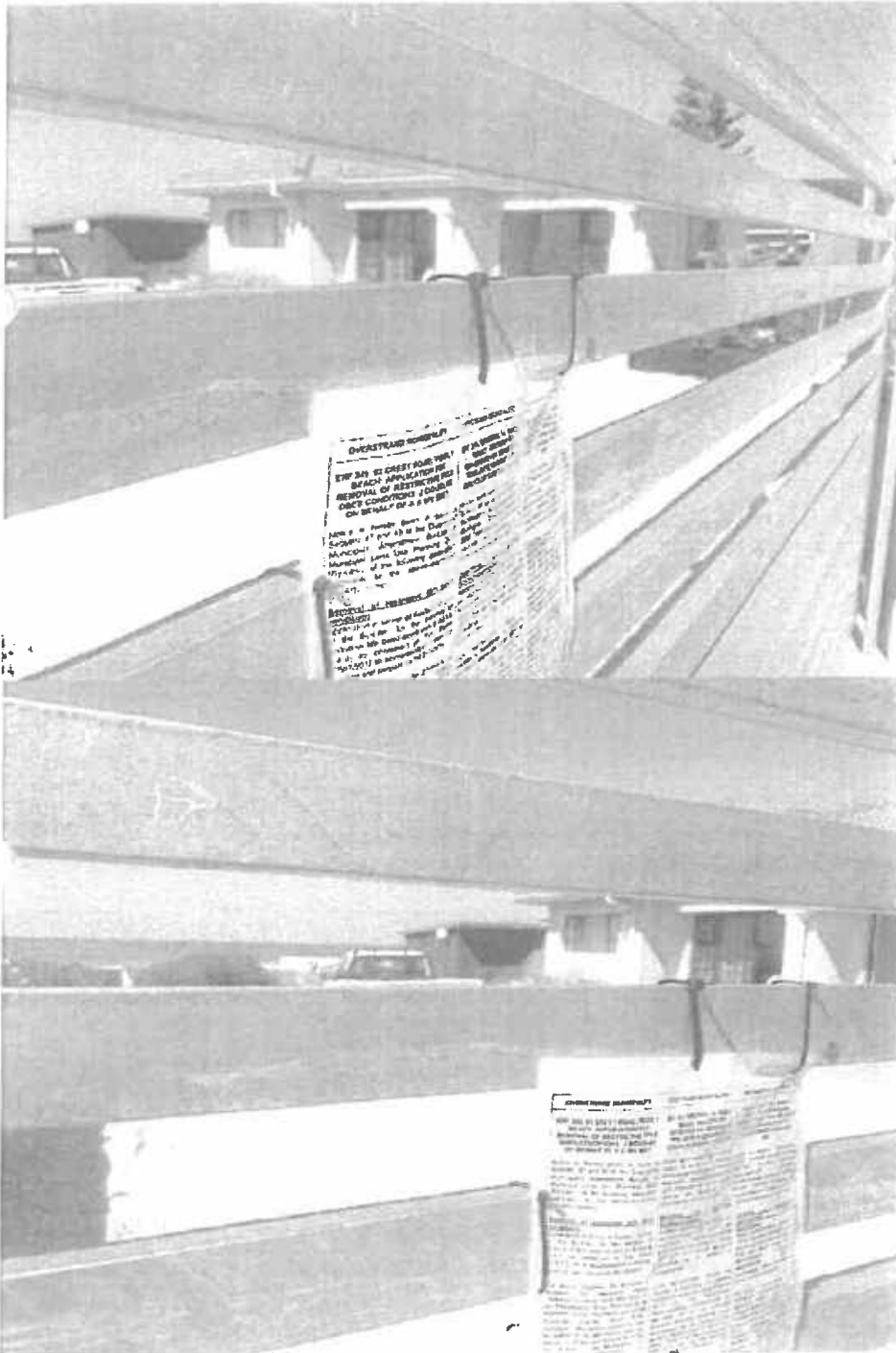
Housing policy decisions should prioritize thoughtful, comprehensive urban planning with robust community input. Relaxing regulations without clear safeguards undermines the integrity of the planning process and risks alienating residents.

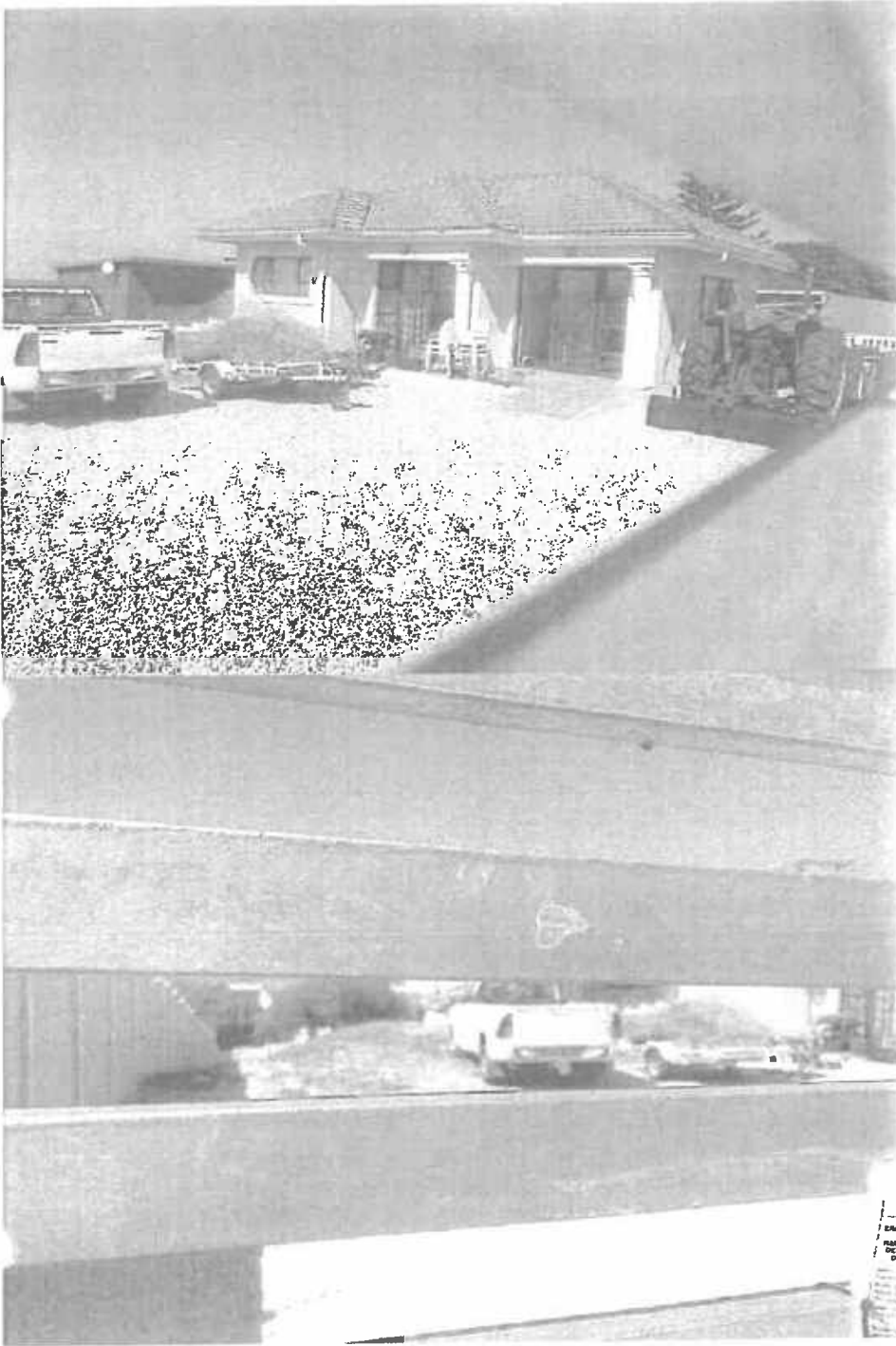
In light of these issues, I strongly urge the decision-making body to reject this proposal. The potential precedent it sets is considerable and cannot be ignored. Any housing solutions must be carefully balanced to address housing needs without sacrificing the character, livability, and sustainability of

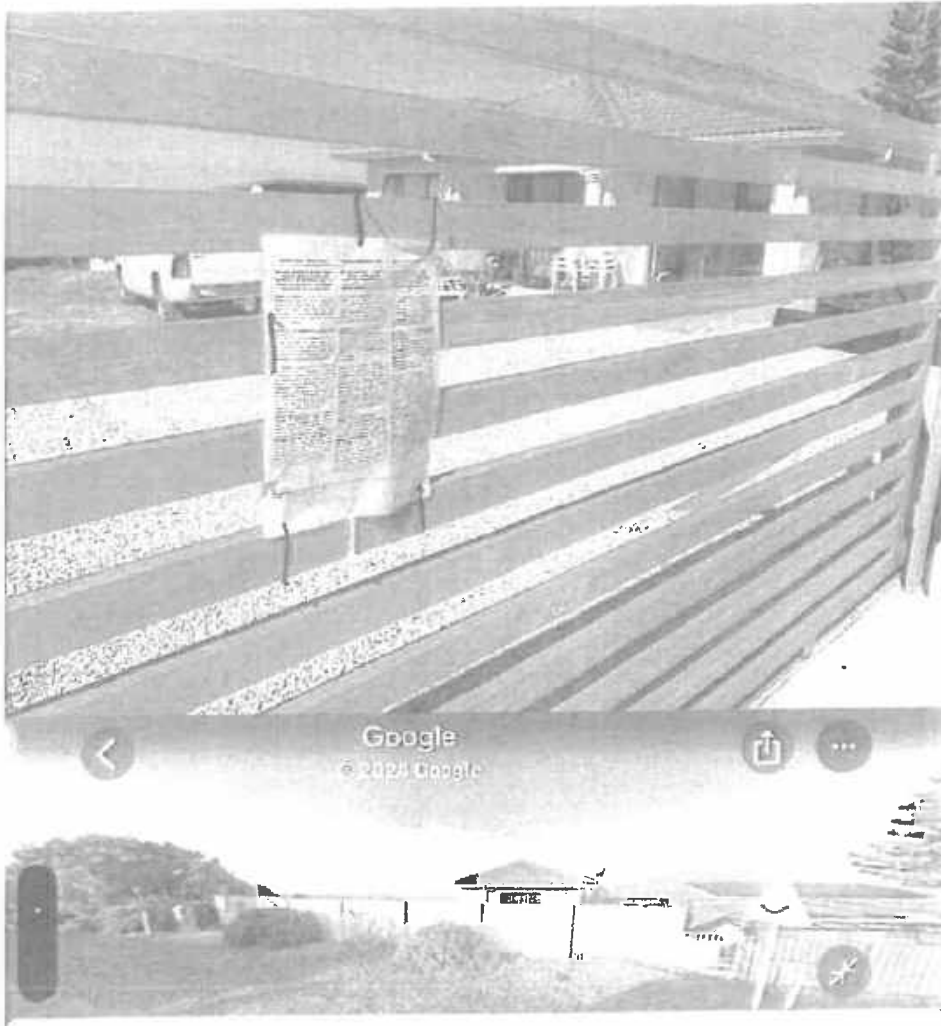
our neighborhoods.

Thank you for considering my objection. Your timeous response to this objection would be appreciated to martinj.legal@gmail.com

Sincerely,
 MJ Joubert (Martin)
 9 Arc Street, Pearly Beach (Erf 147)
 072 200 5226

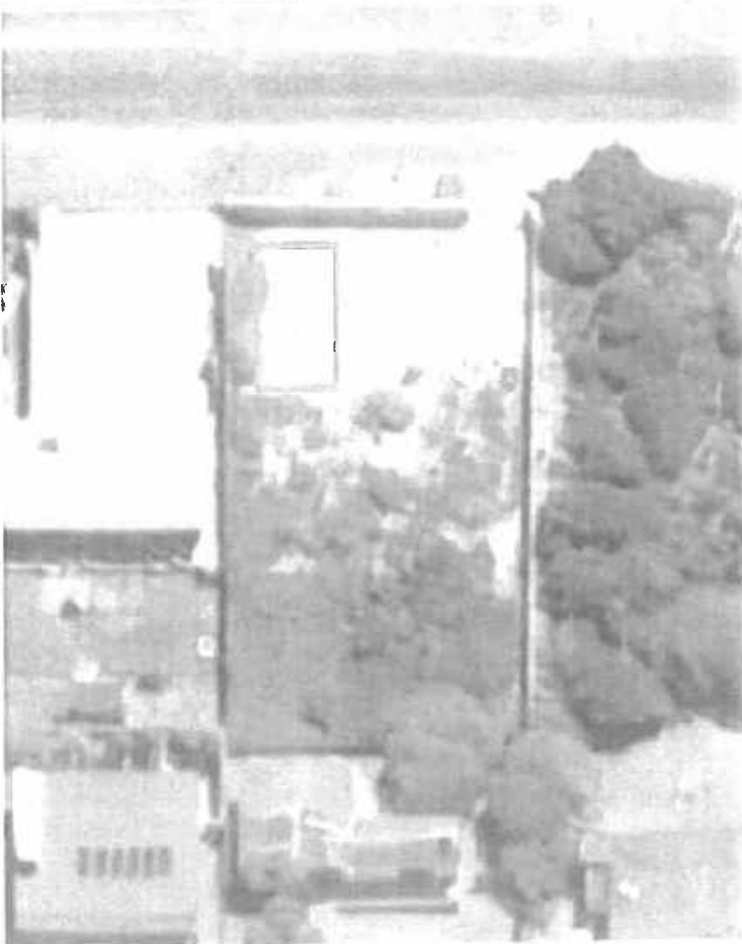






52 Crest Rd

5 months ago · See more dates >



REKORDBEHEER	9/22
09 DEC 2024	
DOCUMENT CONTROL	
OVERSTRAND MUNICIPALITY	

Alida Conradie

From: Andrew Smith
Sent: Monday, 09 December 2024 12:56
To: Alida Conradie
Subject: ERF 249 Pearly Beach 52 Crest Road

TP - A Theart
(S vld Merke)

In terms of this notification to remove the restrictions in order to build a completely new abode on this site , where there is already a residence which by appearances is not permanently occupied.

I therefore strongly object to this proposal in it entirety as the application deviates from being residential to becoming a business as it is obvious that the only reason to build another residence on this site is to create a lettable space ie Bed and Breakfast or holiday, weekend rental, which is unbecoming of Pearly Beach residential norms and standards.

Kind Regards
 GAB Smith.
 88 Crest Road Pearly Beach.

FILE NO. Erf 249-GPB ✓
SCAN NO.
COLLABORATOR NO
2568723

TP

Alida Conradie

From: Alida Conradie
Sent: Wednesday, 11 December 2024 12:47
To: 'Andrew Smith'
Subject: RE: ERF 249 Pearly Beach 52 Crest Road

Dear Mr/Mrs Smith

Receipt is hereby acknowledged of your email, which content is noted and placed on record.

For information purposes: in terms of the Overstrand Municipality Land Use Management Scheme, a second dwelling is a primary right on single residential properties subject that:

- a) The total floor area (footprint) of the second dwelling unit shall not exceed 120m²;
- b) 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;
- c) A second dwelling unit may not be separately alienated in terms of the Sectional Title Act;
- d) 1 x parking bay must be provided;
- e) A second dwelling must be located within the applicable building lines.

The application has been circulated to the engineering department for comment on municipal services.

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: Andrew Smith
Sent: Tuesday, 10 December 2024 16:35
To: Alida Conradie <alida@overstrand.gov.za>
Subject: Re: ERF 249 Pearly Beach 52 Crest Road

As an adendum to my objection could you confirm that should this project be given the go ahead that this property would be charged twice for all municipal surcharges ie electricity, water and sewerage charges. Obviously rates and taxes would increase in line with icresed property value. Kind regards
GABSmith

On Mon, 09 Dec 2024, 14:20 Alida Conradie, <alida@overstrand.gov.za> wrote:

Dear Mr/Mrs Smith

Receipt is hereby acknowledged of your objection.

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: Andrew Smith

Sent: Monday, 09 December 2024 12:56

To: Alida Conradie <alida@overstrand.gov.za>

Subject: ERF 249 Pearly Beach 52 Crest Road

In terms of this notification to remove the restrictions in order to build a completely new abode on this site , where there is already a residence which by appearances is not permanently occupied.

I therefore strongly object to this proposal in it entirety as the application deviates from being residential to becoming a business as it is obvious that the only reason to build another residence on this site is to create a lettable space ie Bed and Breakfast or holiday, weekend rental, which is unbecoming of Pearly Beach residential norms and standards.

Kind Regards

GAB Smith.

88 Crest Road Pearly Beach.

Contact 0828017995



**Overstrand
Municipality**

A: 1 Magnolia Street,
Hermanus, 7200

P: P.O Box 20, Hermanus,
7200

T: +27 (0)28 313 8000 | **F:**
+27 (0)28 312 1894

TP-A Theart
(S yld Merkie)

REKORDBEHEER

12/22

20 NOV 2024

Alida Conradie

From: Johann Straus:
Sent: Wednesday, 20 November 2024 12:51
To: Alida Conradie
Subject: Erf 249 Crest Road. Pearly Beach.

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Middag Alida

Ek stem gladnie toe tot die verslapping van die boulyne erf 249 nie.
Bevestig asb die ontvangs van my
objeksie.

Groete

Dr JJ Strauss
nms Johann Strauss Trust T27
Crest 46
Pearly Beach.

Sent from my iPhone

FILE NO.	Erf 249-GPB
SCAN NO.	04
COLLABORATOR NO	2557406

TP

OVERSTRAND MUNICIPALITY	13/22
REKORDBEHEER	
14 NOV 2024	
DOCUMENT CONTROL	
OVERSTRAND MUNICIPALITY	

Alida Conradie

From: Anton Blaauw <
Sent: Wednesday, 13 November 2024 12:31
To: Alida Conradie
Subject: Comments ERF 249

TP - A Theart
(S vld Merwe)

Dear Sir/ Madam

I refer to your request on comments for the removal of certain municipal regulations of erf 249, Pearly Beach.

I hereby would like to object against the removal of current regulations and that erf 249 should remain under current title deed restrictions and building line relaxation .

Anton Blaauw, Crest Road 93, Pearly Beach.

Regards

Anton Blaauw
 HR Professional/Skills Development Practitioner

1. Is it the truth?
2. Is it fair to all concerned?
3. Will it build goodwill and better friendships?
4. Will it be beneficial to all concerned?¹

FILE NO. Erf 249 - GPB
SCAN NO.
COLLABORATOR NO.
2468840

TP

28 NOV 2024

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP - A Theart
(Suid Merwe)

Alida Conradie

From: Marion Boltman
Sent: Wednesday, 27 November 2024 11:27
To: Alida Conradie
Subject: [CAUTION: SUSPECT SENDER] RE: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH

Dear Alida

We have no objections to the request below.

Name and address

Christopher Peter Boltman
Marion Louise Boltman
20 Church Street, Pearly Beach

Interest of the person in the application

Owner of property in Pearly beach

Sincerely

Chris & Marion Boltman

FILE NO. Erf 249-GPB
SCAN NO.
COLLABORATOR NO.
256 2073

From: Jeane Douglas <jeaned04@outlook.com>
Sent: Wednesday, 13 November 2024 08:36
Subject: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH

Good day , I trust you are well, you are hereby notified that you are an interested and an affected party for the application on the removal of title deed restrictions and building line relaxation of Erf 249 Pearly Beach (52 Crest Road Pearly Beach).

I am a private Town Planner submitting the above mentioned application to the Overstrand Municipality on behalf of my client Albertus Smit.

You are hereby requested to submit your comment support or objection to the Overstrand Municipality as part of the public participation process. If you would like to provide your comment, support or objection please send an email to alida@overstrand.gov.za .

The notice for public participation is attached to this email for ease of reference.

REKORDBEHEER ^{15/22}
18 NOV 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Alida Conradie

From: Donovan Manoek
Sent: Monday, 18 November 2024 10:04
To: Jeane Douglas; Alida Conradie
Subject: RE: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH
Attachments: Annexures.pdf

TP - A Theart
(S vld Merke)

TO WHOM IT MAY CONCERN

I, DONOVAN THEODORE MANOEK, who resides at 52 TWIST ROAD, PEARLY BEACH, hereby wish to confirm the following:

- I support the application to accommodate a second dwelling and carport on ERF 249, 52 CREST ROAD, PEARLY BEACH.

Trusting that this is satisfactory.

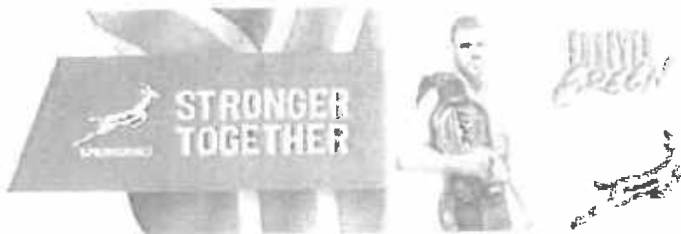
Thank you and kind regards

Donovan Manoek
 Tom Esterhuizen + Associates
 PO Box 30, MILNERTON, 7435



Please consider the environment before printing this e-mail

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FILE NO. Erf 249 - GPB
SCAN NO. Manoek
COLLABORATOR NO. 2555 448

From: Jeane Douglas <jeaned04@outlook.com>
Sent: Wednesday, 13 November 2024 08:07
Subject: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH

TP

18 NOV 2024

Alida Conradie

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

From:
Sent: Friday, 15 November 2024 13:20
To: Alida Conradie
Subject: RE: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH

TP - A Thearts
(S vld Merke)

Apologies for the confusion below. Your request was not about 9 Law Street.

I have no objections to the plans at Erf 249 Pearly Beach (52 Crest Road Pearly Beach).

Nick de Blocq
3 Main Road
Pearly Beach

From: nideblocq@gmail.com
Sent: Wednesday, 13 November 2024 17:42
To: alida@overstrand.gov.za
Subject: FW: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH

Alida,

As the homeowner at 3 Main Road, Pearly Beach, I have no objection to the proposed re-zoning and the creation of a bottle store at 9 Law Street (Erf 249).

Regards

Nick de Blocq

FILE NO. Erf 249-GPB

SCAN NO. GPB 249

COLLABORATOR NO.

2555033

From: Jeane Douglas <jeaned04@outlook.com>
Sent: Wednesday, 13 November 2024 08:36
Subject: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH

Good day , I trust you are well, you are hereby notified that you are an interested and an affected party for the application on the removal of title deed restrictions and building line relaxation of Erf 249 Pearly Beach (52 Crest Road Pearly Beach).

I am a private Town Planner submitting the above mentioned application to the Overstrand Municipality on behalf of my client Albertus Smit.

TP

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
13 NOV 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Alida Conradie

From: Wednesday, 13 November 2024 11:38
Sent: Alida Conradie
To: 'Jeane Douglas'
Cc: FW: REQUEST FOR COMMENTS : ERF ~~249~~ ²⁴⁹ PEARLY BEACH
Subject: Annexures.pdf

TP - A Theart
 (Suid Merkle)

Good day,

Firstly thank you for also emailing all relevant parties, as I would have never seen something like this in a newspaper.... Or website, would not even know WHERE to look
 Please note that I do not have any objections to the relaxation of building line, nor the second dwelling or carport.

Thanks and regards
 Lisa Brümmer (AC Brümmer)
 Erf 237 Pearly Beach

From: Jeane Douglas <jeaned04@outlook.com>
Sent: Wednesday, 13 November 2024 8:07 AM
Subject: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH

Good day , I trust you are well, you are hereby notified that you are an interested and an affected party for the application on the removal of title deed restrictions and building line relaxation of Erf 249 Pearly Beach (52 Crest Road Pearly Beach).

I am a private Town Planner submitting the above mentioned application to the Overstrand Municipality on behalf of my client Albertus Smit.

You are hereby requested to submit your comment support or objection to the Overstrand Municipality as part of the public participation process. If you would like to provide your comment, support or objection please send an email to alida@overstrand.gov.za

The notice for public participation is attached to this email for ease of reference.

For any further queries regarding this email or the application ,please contact Alida Conradie at the town planning department at the above mentioned email address.

Kind Regards

Jeane Douglas.



FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO. 2426060

REKORDBEHEER 18/22
14 NOV 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Alida Conradie

From: Linde, Michelle
Sent: Wednesday, 13 November 2024 21:48
To: Alida Conradie
Subject: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH
Attachments: Annexures.pdf

TP - A Theart
(Suid Merkle)

To whom it may concern,
 Having read the attached supporting documentation, and the request for comments, I see no reason to object.
 The request seems reasonable enough and should not have any effect on the Pearly Beach community as a whole.

Sincerely
 Michelle Linde | USA 817.903.2131 (Cell)

FILE NO. Erf 249 - GPB
SCAN NO.
COLLABORATOR NO. 2468812

70

REKORDBEHEER

14 NOV 2024

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

TP - A Theart
(S vld Merke)

Alida Conradie

From: Tony Winter
Sent: Wednesday, 13 November 2024 11:47
To: Alida Conradie
Subject: ERF 249 Pearly Beach

Just to inform that I have no objection to the proposed amendments to the Title Deeds for ERF 249.

Regards

Tony Winter



METAL CONCENTRATORS

Tony Winter
Head Of Sales
Metal Concentrators SA (Pty) Ltd

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FILE NO.	Erf 249 - GPB
SCAN NO.	
COLLABORATOR NO.	2468835

TP

REKORDBEHEER	20/22
14 NOV 2024	
DOCUMENT CONTROL	
OVERSTRAND MUNICIPALITY	

Alida Conradie

From: Riana <
Sent: Wednesday, 13 November 2024 17:13
To: Alida Conradie
Subject: RE: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH

TP-A Theart
(S vld Merwe)

Good day Alida,

My apologies, I just read on the attachment to the email which indicated the is for a 2nd dwelling on the premises as well as additional carport.

If that is the request, we would have no objection.

Regards Riana
53 Crest Rd P Beach

FILE NO.	ERF 249 - GPB
SCAN NO.	
COLLABORATOR NO.	2468830

From: Riana
Sent: 13 November 2024 17:00
To: 'alida@overstrand.gov.za'
Subject: RE: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH

Good day Jeane,

I am a new resident of Pearly Beach. Please inform what does this mean - what title deed restriction will be relaxed on Erf 249 Crest Road 52 Crest. We are 53 Crest Road so I presume it must be the stand right across from us.. Please inform for what purpose 52 Crest will be earmarked????

Hope it is not a shop or for commercial purposes. Should this be the case, I will strongly appose!

Would appreciate Regards Riana & Andre Roberts 083 297 8608

Your early reply will be appreciated.

From: Jeane Douglas [mailto:jeaned04@outlook.com]
Sent: 13 November 2024 08:07
Subject: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH

Good day , I trust you are well, you are hereby notified that you are an interested and an affected party for the application on the removal of title deed restrictions and building line relaxation of Erf 249 Pearly Beach (52 Crest Road Pearly Beach).

I am a private Town Planner submitting the above mentioned application to the Overstrand Municipality on behalf of my client Albertus Smit.

REKORDBEHEER 21/22
13 NOV 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Alida Conradie

From: Mich Potgieter
Sent: Wednesday, 13 November 2024 09:31
To: Alida Conradie
Subject: Fwd: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH
Attachments: Annexures.pdf

TP - A Theart
(S vld Merkle)

Dear Alida,

395, 23 Ridge Way, Pearly Beach

We refer to the email below and confirm we have no objection to this. We feel people should be able to build a 2nd dwelling / carport on their property.

regards

Mrs Linda Potgieter

----- Forwarded message -----

From: Jeane Douglas <jeaned04@outlook.com>
Date: Wed, Nov 13, 2024 at 8:19 AM
Subject: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH
To:

Good day , I trust you are well, you are hereby notified that you are an interested and an affected party for the application on the removal of title deed restrictions and building line relaxation of Erf 249 Pearly Beach (52 Crest Road Pearly Beach).

I am a private Town Planner submitting the above mentioned application to the Overstrand Municipality on behalf of my client Albertus Smit.

You are hereby requested to submit your comment support or objection to the Overstrand Municipality as part of the public participation process. If you would like to provide your comment, support or objection please send an email to alida@overstrand.gov.za .

The notice for public participation is attached to this email for ease of reference.

For any further queries regarding this email or the application ,please contact Alida Conradie at the town planning department at the above mentioned email address.

Kind Regards
Jeane Douglas.

FILE NO. Erf 249-GPB
SCAN NO.
COLLABORATOR NO. 2426046

TP

13 NOV 2024

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP - A Theart
(S vld Merkle)

Alida Conradie

From: Amanda Boyce
Sent: Wednesday, 13 November 2024 10:26
To: Jeane Douglas; Alida Conradie
Subject: Re: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH

Good day,

I Mr. BG Boyce, owner of Erf 441 Pearly Beach has no objection with regards to the above mentioned.

Kind Regards
Mr. BG Boyce

FILE NO. Erf 249 - GPB
SCAN NO.
COLLABORATOR NO.
2426082

From: Jeane Douglas <jeaned04@outlook.com>
Sent: Wednesday, November 13, 2024 8:36:14 am
Subject: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH

You don't often get email from jeaned04@outlook.com. [Learn why this is important](#)

Good day , I trust you are well, you are hereby notified that you are an interested and an affected party for the application on the removal of title deed restrictions and building line relaxation of Erf 249 Pearly Beach (52 Crest Road Pearly Beach).

I am a private Town Planner submitting the above mentioned application to the Overstrand Municipality on behalf of my client Albertus Smit.

You are hereby requested to submit your comment support or objection to the Overstrand Municipality as part of the public participation process. If you would like to provide your comment, support or objection please send an email to alida@overstrand.gov.za .

The notice for public participation is attached to this email for ease of reference.

For any further queries regarding this email or the application ,please contact Alida Conradie at the town planning department at the above mentioned email address.

Kind Regards
Jeane Douglas.

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no

RESPONSE TO OBJECTIONS

ERF 249 PEARLY BEACH – APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND BUILDING LINE DEPARTURES.



Jeane Douglas
4 February 2025

Introduction:

The objections received for the abovementioned application are responded to by the applicant below as follows: The objection point is highlighted in green, and the response is un-highlighted.

JOHN & CARYL SAMPSON:

I wish to make my objection to planning permission for a second dwelling on Erf 249 Pearly Beach which will lead to all dwellings being allowed to do this causing high density living in a Conservation Area and allow one rates and taxes one conservancy tank one refuse collection for two dwellings.

APPLICANT'S RESPONSE:

The Overstrand Municipality Land Use Scheme permits a second dwelling on a single residential zoned property as a primary land use right. The title deed however restricts the property to one dwelling unit only. The purpose of removing the one dwelling restriction is to allow the property owner to enjoy the land use rights that are enjoyed by the current applicable legislation and not be restricted by title deed clauses that were put in place when there was no planning legislation to control development.

The rates and taxes will be adjusted in the event that this application is approved to accommodate a second dwelling.

The objector does not stipulate any reasoning behind the "conservation area" notion. Referring to the Plan 37 on page 103 of the Overstrand Municipality Spatial Development Framework, the site is not located in any conservation worthy areas. Therefore, the notion that the property is within a conservation area should be disregarded.

FRASER CONLON:

Please accept this email as a strong objection to the proposed plans to erect a second dwelling on ERF 249.

This property, as noted, is zoned as a single residence permitting one residence. This applies to all the residences that fall under the same zoning.

Allowing the erection of a second dwelling sets a village precedent that if allowed for this dwelling should be allowed for all dwellings. The "knock on" effect of passing such plans will have dire consequences for the village long term.

Why should this property pay single rates and taxes and have two dwellings?

Why should this property have one conservancy tank servicing two properties?

Why should this property be permitted to have single refuse collection servicing two properties? Etc. etc.

Furthermore passing such plans will only serve to increase structural and human density in a village that is designated a Conservancy and every effort should be utilised to enforce the laws that protect the environment from such a development.

The owners of this property should be subject to all the building laws, terms and conditions that are in place for a good reason and that apply to every land owner in Pearly Beach. The

municipality cannot favour one resident over the others and not expect there to be negative consequences in the future. What is good for one is good for all and similarly rules that apply to one should apply to all.

Please note that I am owner of the following: Erf 410, Erf 1897 and Erf 332 and object to this proposed application on behalf on all these erf's.

APPLICANT'S RESPONSE:

The objection points regarding not allowing the addition of a second dwelling, conservation worthy area, additional rates and taxes to imposed as well as conservancy tank and refuse collection should refer to the response to the objection received by John & Caryl Sampson.

The notion of "what is good for the one is good for all" is a point that is agreed upon. All properties in the Pearly Beach area are restricted to the development parameters as stipulated within the Overstrand Municipality Land Use Scheme. The scheme permits the development of a second dwelling on a single residential property as a primary land use right which does not require the need for a land use planning submission for approval thereof. However, restrictive title deed conditions stipulated in the title deed of a property may contain stricter land uses and development properties which requires the submission of a land use planning application to bring the property's development rights to be in line with the Overstrand Municipality's Land Use Scheme. Any single residential, Pearly Beach, property may be restricted in terms of the same single dwelling restrictive condition which may be removed, subject to the submission of a land use planning application and the approval thereof. Therefore, the notion of what is good for the one is good for all is not deviated from.

Furthermore, the objector does not stipulate what negative consequences will arise in future which makes it difficult to respond to and should therefore be disregarded as an objection point.

MARTIN JOUBERT:

I am writing to formally object to the proposed relaxation of building regulations that would allow for the construction of more than one dwelling on a single residential property. While I understand the need to address housing shortages, this proposal raises concerns, particularly given the context of this specific property and the wider implications for the community.

1. Original Construction Intentions.

It is important to note and am I of opinion that the original construction on this property was deliberately positioned to allow for the potential building of an additional dwelling. This raises questions about the motives behind the initial development and suggests a premeditated attempt to circumvent or exploit current planning regulations. Approving this proposal would set a dangerous precedent, encouraging developers to design properties with future regulatory relaxation in mind, regardless of existing zoning intentions. To this end I would like to refer you to the erf diagram layout and the plans which justifies the current dwelling. Further hereto I attach pictures of the built dwelling that clearly illustrates my point. Google Earth view from above also points to this. See last photo attached with approximate current dwelling indicated.

2. Impact on Neighbourhood character.

Permitting multiple dwellings on single residential lots could fundamentally alter the character of our community. Established neighbourhoods with carefully planned layouts and open spaces risk being transformed into high density developments, eroding their charm, identity, and the quality of life for current residents.

3. Precedent for Overdevelopment.

Approving this application could create a precedent for further overdevelopment in the area. Once developers see that regulations can be easily relaxed, similar proposals may proliferate, leading to unchecked growth, overcrowding, and the gradual degradation of the neighbourhood.

4. Strain on Infrastructure and Service.

Our local infrastructure-including roads, sewage systems, public utilities, schools, and emergency services-is already under significant pressure. Higher-density housing would exacerbate these issues, leading to increased maintenance costs and reduced quality of services for all residents.

5. Environmental Concerns.

The addition of multiple dwellings often leads to a loss of green spaces, increased impervious surfaces, and strain on local ecosystems. This is particularly problematic in areas vulnerable to over development or where biodiversity is already threatened.

6. Lack of Community Consultation and Safeguards.

Housing policy decisions should prioritise thoughtful, comprehensive urban planning with robust community input. Relaxing regulations without clear safeguards undermines the integrity of the planning process and risks alienating residents.

In light of these issues, I strongly urge the decision-making body to reject this proposal. The potential precedent it sets is considerable and cannot be ignored. Any housing solutions must be carefully balanced to address housing needs without sacrificing the character, livability, and sustainability of our neighbourhoods.

APPLICANT'S RESPONSE:

The development of a single residential zoned property can be developed with a dwelling house in any position and shape subject to it being compliant with the relevant legislation such as the land use planning development restrictions and the building regulations to names a few. The property owners did not exploit any regulations; however they did and are complying with the applicable legislation by submitting the relevant application to acquire the land use rights stipulated within the Overstrand Municipality Land Use Scheme. Furthermore, should this application be approved, the property owners will then be utilising the property more efficiently and effectively as a resource.

The proposal is for the development of a second dwelling unit and not for the development of a high residential development (such as flats) - on a single residential zoned property. Referring to page 101 of the Overstrand Municipality Spatial Development Framework, the Pearly Beach area is expected to increase in population with various land opportunities for development growth (residential developments – complexes, residential stands or even flats). Furthermore, with reference to the Overstrand Municipality Growth Management

Strategy, the future development proposal for the area of Pearly Beach is increased densification to permit subdivision and second dwelling units. Therefore, the proposal to develop a second dwelling unit on the property is in line with the future development proposals of the area.

The notion of overdevelopment is irrelevant due to the proposal being for the development of a second dwelling unit on the subject property and not a residential development that would be dramatically increase the density of the area as a whole. As mentioned in the previous paragraph, the proposal is in line with the future planning proposals for the area that would not be subject to overcrowding as the objector stipulates.

The infrastructure network of the greater Overstrand municipal area utilises conservancy tanks due to the lack of a proper sewage system. Furthermore, many of the single residential zoned properties in the Overstrand area have second dwelling units on their property which has undergone a similar land use planning application process. In the event that this application is approved, the conservancy tank will be upgraded to the satisfaction of the Engineering Services department as well as the Building Control department in order to service both dwelling units on the property.

As mentioned, the objection point regarding the conservation worthy area should refer to the response to the objection received by John & Caryl Sampson.

To clarify, the proposal is not for the development of a high-density residential development nor is it for housing (government funded housing projects). The proposal is to permit the development of a second dwelling which is compliant with the Overstrand Municipality Land Use Scheme and the future planning documents for the area.

ANDREW SMITH:

In terms of this notification to remove the restrictions in order to build a completely new abode on this site, where there is already a residence which by appearances is not permanently occupied.

I therefore strongly object to this proposal in its entirety as the application deviates from being residential to becoming a business as it is obvious that the only reason to build another residence on this site is to create a lettable space i.e. Bed and Breakfast or holiday, weekend rental, which is unbecoming of Pearly Beach residential norms and standards.

As an addendum to my objection could you confirm that should this project be given the go ahead that this property would be charged twice for all municipal surcharges i.e. electricity, water and sewerage charges. Obviously rates and taxes would increase in line with increase property value.

APPLICANT'S RESPONSE:

The point raised that the property is not permanently occupied has no relevance to this application and should be disregarded.

The point raised that the property would become a business is irrelevant due to the Overstrand Land Use Scheme permitting self-catering as well as a second dwelling unit as a primary land use right for single residential zoned erven. However, should the property owner want to operate a bed and breakfast, a consent use application would be required which is not the case for this application.

The properties rates and taxes/ municipal accounts will be adjusted should the application be approved.

JOHANN STRAUS:

Ek stem glad nie tot die verslapping van die boulyne erf 249 nie.

Translation:

I do not support the relaxation of the building lines on erf 249.

APPLICANT'S RESPONSE:

Die beswaarmaker gee geen uitbreiding oor die boulyn verslapping van toepassing op Erf 249 nie. Die beswaar moet dus nie oorweeg word nie.

The objector does not elaborate the reasoning for the objection of the building line relaxation on Erf 249. The objection point should therefore not be considered relevant.

ANTON BLAAUW:

I hereby would like to object against the removal of current regulations and that erf 249 should remain under current title deed restrictions and building line relaxation.

APPLICANT'S RESPONSE:

The objector does not elaborate on the reason for objecting to the proposed application. The objection should therefore be disregarded.

MARION BOLTMAN:

We have no objections to the request below.

APPLICANT'S RESPONSE:

The comment is noted.

DONOVAN MANOEK:

I support the application to accommodate a second dwelling and carport on ERF 249, 52 CREST ROAD, PEARLY BEACH.

APPLICANT'S RESPONSE:

The comment is noted.

NICK DE BLOCQ:

I have no objections to the plans at Erf 249 Pearly Beach (52 Crest Road Pearly Beach).

APPLICANT'S RESPONSE:

The comment is noted.

LISA BRÜMMER (AC BRÜMMER):

Please note that I do not have any objections to the relaxation of building line, nor the second dwelling or carport.

APPLICANT'S RESPONSE:

The comment is noted.

MICHELLE LINDE:

Having read the attached supporting documentation, and the request for comments, I see no reason to object.

APPLICANT'S RESPONSE:

The comment is noted.

TONY WINTER:

Just to inform that I have no objection to the proposed amendments to the Title Deeds for Erf 249.

APPLICANT'S RESPONSE:

The comment is noted.

RIANA:

My apologies, I just read on the attachment to the email which indicated the is for a 2nd dwelling on the premises as well as additional carport. If that is the request, we have no objection.

APPLICANT'S RESPONSE:

The comment is noted.

MICH POTGIETER:

We refer to the email below and confirm we have no objection to this. We feel people should be able to build a 2nd dwelling / carport on their property.

APPLICANT'S RESPONSE:

The comment is noted.

AMANDA BOYCE:

I Mr. BG Boyce, owner of Erf 441 Pearly Beach has no objection with regards to the above mentioned.

APPLICANT'S RESPONSE:

The comment is noted.

COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: ERF 249, PEARLY BEACH (4804/2024)

Electricity	:	Refer to Conditions
Water	:	Refer to Conditions
Sewer	:	Refer to Conditions
Stormwater	:	Refer to Conditions
Roads and traffic	:	Refer to Conditions

Conditions:

1. that the existing water connection to- and sewer conservancy tank on Erf 249 shall be used to service Erf 249;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – 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 office of the Principal Technologist: Gansbaai for written approval;
5. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
6. that any additional and / or extended vehicle entrances will be for the developer's account;
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.



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**

21/02/2025
DATE