

4.2

ERF 576, 42 FLYING DUTCHMAN WAY, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF J SMIT

576 HFH (4583/2024)

H Olivier

12 August 2024

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received 19 February 2024 from Messrs Plan Active Town- and Regional Planners on behalf of J Smit on Erf 576, Fisherhaven in terms of Section 16(2)(f) of the the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of restrictive title deed condition E.4.(b) contained in Title Deed T15942/2023, to accommodate the proposed new development consisting of a primary dwelling with a second dwelling unit on the property.

The restrictive title conditions read as follows:

“E. SUBJECT FURTHER to the following special conditions in said Deed of Transfer Number 17733/1985 newly imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance 33 of 1934 when approving of the establishment of Fisherhaven Township, namely:

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 restriction in any such condition 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: -*

(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;”

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The subject property is situated along Flying Dutchman Way in Fisherhaven and measures 1487m² in extent. The property is zoned for Residential Zone 1: Single Residential and is currently vacant.

The current owner intends to develop a main dwelling and a second dwelling on the subject property. The property is held by Title Deed no. T15942/2023 which contains a restrictive condition that prohibits a second dwelling being developed on the property.

The owner had thus appointed a professional town planner in order to apply for the removal of the restrictive Title Deed condition in order to accommodate the second dwelling.

4. SUMMARY OF APPLICANT'S MOTIVATION

The motivation for the application is summarised as follows:

- ❖ The subject property is currently vacant and not being utilized.
- ❖ The proposed development will comply with the relevant Scheme Regulations applicable to both the main dwelling and second dwelling.
- ❖ The property is situated in predominantly single residential area and the land use will remain unchanged.
- ❖ The restrictive title deed condition is more restrictive than the development rules of the Zoning Scheme Regulations which allows for a second dwelling unit as a primary land use right on the property.
- ❖ The proposed second dwelling unit will not exceed any development parameters applicable to second dwelling units.
- ❖ The proposal will not have any negative impact on the surrounding property values or the character of the area.
- ❖ The proposed development will result in the optimal use of subject property.
- ❖ The proposed development will increase the market value of the subject property.
- ❖ Access and egress will be gained from Flying Dutchman Way.
- ❖ The property is situated in an area where services already exist and will have a minimal impact on the existing services.
- ❖ There is no heritage or environmental aspects that will negatively impact the application.
- ❖ The proposal is compatible with the character of the area.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.
- ❖ The proposal is consistent with the spatial planning strategies for the area.

Evaluation in terms of Section 39.(5)(a) - (f) of the By-Law is as follows:

- (a) No person or entity will be affected financially by the removal of these restrictive title deed conditions.
- (b) No person is personally benefitting from these conditions as these conditions are only restricting the applicant.
- (c) The applicant will be gaining from the removal of the restrictive condition as it will allow her to utilize her property to its full extent.
- (d) These restrictive conditions do not have a social benefit.
- (e) There is no specific beneficiary of this condition. No person or entity will be affected if it is removed.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local Newspaper	Yes	14 March 2024	19 April 2024
Gazette	Yes	15 March 2024	19 April 2024
E-mail notices & site notice	Yes	14 March 2024	19 April 2024
Internal departments	Yes	14 March 2024	19 April 2024
Ward councillor	Yes	14 March 2024	19 April 2024
Total comments	TWO (2)		
Total letters of support	NONE		
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

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

Name	Date received	Summary of comments
Building Department	26/03/2024	No objection.
Fire Services	19/03/2024	No objection.
Local Heritage	26/03/2024	No objection.
Engineering Services	26/03/2024	Annexure E.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

The application was duly advertised in the local newspaper and Government Gazette. Registered letters were also sent out to all owners of Fisherhaven and the Fisherhaven Ratepayers Association. A notice board was also placed on-site by the applicant's consultant.

Two (2) letters of objection were received from the following individuals:

- **N Petersen**
- **CH Blerk**

The applicant was provided with an opportunity to respond to the objections. See Annexures F and G respectively.

The objections, the applicant's reply and the Municipal Town Planners response thereon can be summarized as follows:

🚧 OBJECTION 1: (CH Blerk)

The objector mentions that she is not directly affected by the application but is concerned with the effect of removal of title deed restrictions in general will have on Fisherhaven which resulted in the relocation of the wild horses as the area is getting busier.

APPLICANT'S RESPONSE

The Overstrand Municipality Scheme Regulations makes provision for a second dwelling as a primary use right on a Single Residential property and thus having a Title Deed condition removed that limits the property to one dwelling is that the Title Deed condition is more stringent than the applicable Zoning Scheme Regulations.

Fisherhaven, a well-established residential community with public roads, could have prioritized the relocation of wild horses for their safety. However, property owners in Fisherhaven recognize the presence of wild horses and have adjusted accordingly.

TOWN PLANNER'S RESPONSE

The proposed development will not alter the character of the area and will be in line with the development parameters as set out in the Overstrand Zoning Scheme. The application is consistent with the SDF and OMGMS and the removal will not have a negative effect on adjacent or surrounding property owners and result in the maximum utilisation of space on the property. The presence of the wild horses in Fisherhaven is not relevant to this application as the right of a property owner to erect a second dwelling has no impact on the reason why the wild horses were relocated.

🚧 OBJECTION 2: (CH Blerk)

The owners of large plots subdivide their plots to build two dwellings and the suburb is losing its tranquillity. The streets are becoming busier, and it affects pedestrians, cyclists, and small animals.

APPLICANT'S RESPONSE

The current application concerns the addition of a second dwelling on the property, rather than a subdivision. In the past, Fisherhaven, had numerous underdeveloped plots of land, but this landscape is evolving as more dwellings are constructed. Consequently, the addition of a second dwelling on Erf 576 Fisherhaven will not disrupt the tranquillity of the area. The trend of increasing development suggests that the addition of one more dwelling is in line with the ongoing transformation of Fisherhaven's housing landscape. Therefore, the proposed second dwelling is unlikely to have a substantial impact on the overall peaceful ambiance of the neighbourhood.

TOWN PLANNER'S RESPONSE

The applicant's response to the objection is agreed with as the application is not for the subdivision of the property but rather to exercise his right according to the Land Use Scheme to develop a second dwelling, and as mentioned in the response to the first objection the addition of a second dwelling will not jeopardize the character of the area nor disrupt the tranquillity of the neighbourhood.

 **OBJECTION 3: (CH Blerk)**

What criteria is used to determine whether permission should be granted for a removal of a restrictive Title Deed condition?

APPLICANT'S RESPONSE

The criteria to be used by the Overstrand Municipality, and which is discussed in the motivation for the subject application, includes the following:

- 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 vests in the person as the owner of a dominant tenement.
- The personal benefit which accrues to the holder of rights in terms of the restrictive conditions.
- The personal benefit which will accrue to the persons seeking the removal of the restrictive conditions if it is removed.
- The social benefit of the removal, suspension or amendment of the restrictive conditions remaining in place.
- The social benefit of the removal, suspension, or amendment of the restrictive conditions.
- Whether the removal, suspension or amendment of the restrictive conditions will completely remove all rights enjoyed by the beneficiary or only some of the rights.

TOWN PLANNER'S RESPONSE

The applicant thoroughly addresses the objection by providing the criteria and the response is agreed with.

 **OBJECTION 4: (N Petersen)**

Title Deed restrictions must stay in place as additional developments will create a business hub setting.

APPLICANT'S RESPONSE

The removal of the restrictive Title Deed condition pertains to a single residential erf measuring 1487m². The proposed second dwelling will serve purely residential purposes. According to the indicated layout on the Site Plan, the second dwelling will be situated behind the primary dwelling. Consequently, the placement of the second dwelling will not alter the street scape of the area. Therefore, the assertion that this would result in the creation of a business hub is unfounded.

TOWN PLANNER'S RESPONSE

The land use of the subject property will remain residential and thus will not result in Fisherhaven becoming a business hub setting. It will allow the property owner to exercise their primary property right according to the Land Use Scheme. The objection is not relevant and the response from the applicant is agreed with.

 **OBJECTION 5: (N Petersen)**

The removal of Title Deed restrictions will cause a precedent.

APPLICANT'S RESPONSE

Removing the restriction of one dwelling per property aligns with the development rules set by the Overstrand Municipality. This change is supported by the Overstrand Growth Management Strategy (2010) and will not set a new precedent since similar applications have been approved before. It reflects a commitment to flexible and sustainable urban planning practices, allowing for property development while adhering to municipal guidelines.

TOWN PLANNER'S RESPONSE

The applicant's response to the objection is agreed with. The area is earmarked for residential development and the addition of a second dwelling is within the permitted densification for the area.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

Refer to paragraph 7 above.

9. MUNICIPAL ASSESSMENT OF COMMENTS

All relevant departments provided positive comments.

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)**10.1 Background**

N/A

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

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

Spatial Justice

The proposed development will not further perpetuate historic spatial imbalances as it is situated on an erf as per the establishment of Fisherhaven Township. Similar applications have been supported previously; thus, the approval will not be spatially biased.

Spatial sustainability

The application is considered spatially sustainable as the existing property will be more optimally utilised without affecting natural vegetation. The redeveloped property will be compatible with the character of the area and do not negatively impact upon rights of adjoining property owners.

Efficiency

The proposed development intends to make optimal use of space on the property, thereby optimising existing resources, infrastructure and sustainable development and continues the existing development typology.

Spatial Resilience

The development of the property will be in synchrony with the relevant spatial planning policies that adhere to the principle of spatial sustainability in terms of the Spatial Development Framework and the Overstrand Municipal Growth Management Strategy.

Good administration

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

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

The application is consistent with the planning principles.

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

Consistent since the land use remains Residential.

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

N/A

10.6 Impact on Municipal engineering services

All services exist in the area. The proposal will not have a significant impact on existing services.

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

The Title Deed does contain a restrictive condition, and application is made to remove such condition.

10.8 Existing and proposed zoning comparisons and considerations

N/A

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vests in the personas of the owner of a dominant tenement:

No person or entity will be affected financially by the removal of the restrictive title deed condition.

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

There is no personal benefit for the holder of the rights.

The personal benefits which will accrue to the person seeking the removal, of the restrictive condition, if removed:

The removal of the condition will benefit the property owner as she would be able to construct a second dwelling that she could use as a granny flat or rent it out.

The social benefit of the restrictive condition remaining in place:

There is no social benefit for the conditions to remain in place.

The social benefit of the removal of the restrictive condition

The applicant will be gaining from the removal of the restrictive condition as it will allow her to utilize her property to its full potential and it is in line with the primary uses of it's zoning in terms of the Land Use Scheme.

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

Only the restrictive condition limiting the development to one dwelling will be removed. The other restrictive conditions will remain in place.

Given the above the opinion is further held that the proposal is sufficiently evaluated in terms of Section 39.(5) of LUPA, 2014 (Act 3 of 2014).

12. THE DESIRABILITY OF THE PROPOSAL

The subject property, Erf 576, is located in Fisherhaven and is currently vacant and measures 1487m² in extent. The property owner now intends to develop a primary and second dwelling on the property. However, the Title Deed of the subject property contains a restrictive condition which prohibits the construction of more than one dwelling on the property. Thus, this application is for the removal of the restrictive Title Deed condition in order to accommodate the proposed second dwelling.

At this stage, the Overstrand Municipality Land Use Scheme allows for second dwellings on properties as a primary land use right; therefore the restrictive condition in the Title Deed prohibits the landowner to act on such rights.

In terms of the SDF, 2020 the area is identified for residential purposes. In terms of the Overstrand Municipality Growth Management Strategy, 2010 (GMS) the area is earmarked for densification up to 10 units/ha. These policy/guideline documents promote densification to make the maximum use of infrastructure and facilities. This application complies with such aims.

It is therefore foreseen that the development of a second dwelling will not have a negative impact on the character of the surrounding area or surrounding property owners.

The proposal as per the application is to construct the second dwelling before the primary dwelling is constructed with the second dwelling being utilized as a primary dwelling during the construction of the primary dwelling. The second dwelling will however be within the permissible development parameters as per the Zoning Scheme of the Overstrand Municipality. Also note that all the proposed buildings will still comply with the Title Deed and Land Use Scheme building lines, as well as the permitted coverage as per the Land Use Scheme and Title Deed.

Two (2) objections were received against the application from surrounding property owners during the public participation process. These objections, as outlined in paragraph 7 of this report, does not provide compelling reasons as to why the subject application should not be viewed as desirable from a town planning perspective. The concerns expressed are general concerns.

The application was circulated to all relevant Municipal Branches, Telkom as well as the Fisherhaven Ratepayers' Association, and they did not object to the application.

Permission has been granted for similar applications as the removal will not result on any negative impact on the residents of Fisherhaven and will allow property owners to utilize their properties to its fullest potential while remaining compliant with the development parameter as set out in the Overstrand Municipality Land Use Scheme.

Considering the above, the application is in line with the character of this area and will have no negative impact on surrounding property owners. The application is desirable and is supported.

13. RECOMMENDATION

1. that the objections be noted
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 on Erf 576, Fisherhaven for the removal of restrictive title deed condition E.4(b) as contained in Title Deed T15942/2023, to accommodate a proposed second dwelling, **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 E), be complied with;
 - (c) that all other development parameters as prescribed in the relevant Land Use Scheme, be complied with, 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 Land Use Planning, 2020 with regard to the above conditions of approval.

14. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The Overstrand Land Use Scheme Regulations have sufficient control measures when it comes to land use, coverage and building line controls.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners or the character of the area.
- ❖ The objections received do not prove the application to be undesirable.
- ❖ Similar applications to allow second dwellings have previously been approved in Fisherhaven
- ❖ The proposal is considered in line with the Municipality's SDF.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Plan
Annexure D:	Comments/objections received
Annexure E:	Applicant's reply to comments/objections
Annexure F:	Title Deed T15942/2023
Annexure G:	Services Report

SIGNATURES

AUTHOR:

Name: **HENK OLIVIER**

SACPLAN Reg No: **B/8128/2004**

Signature: _____

Date: _____

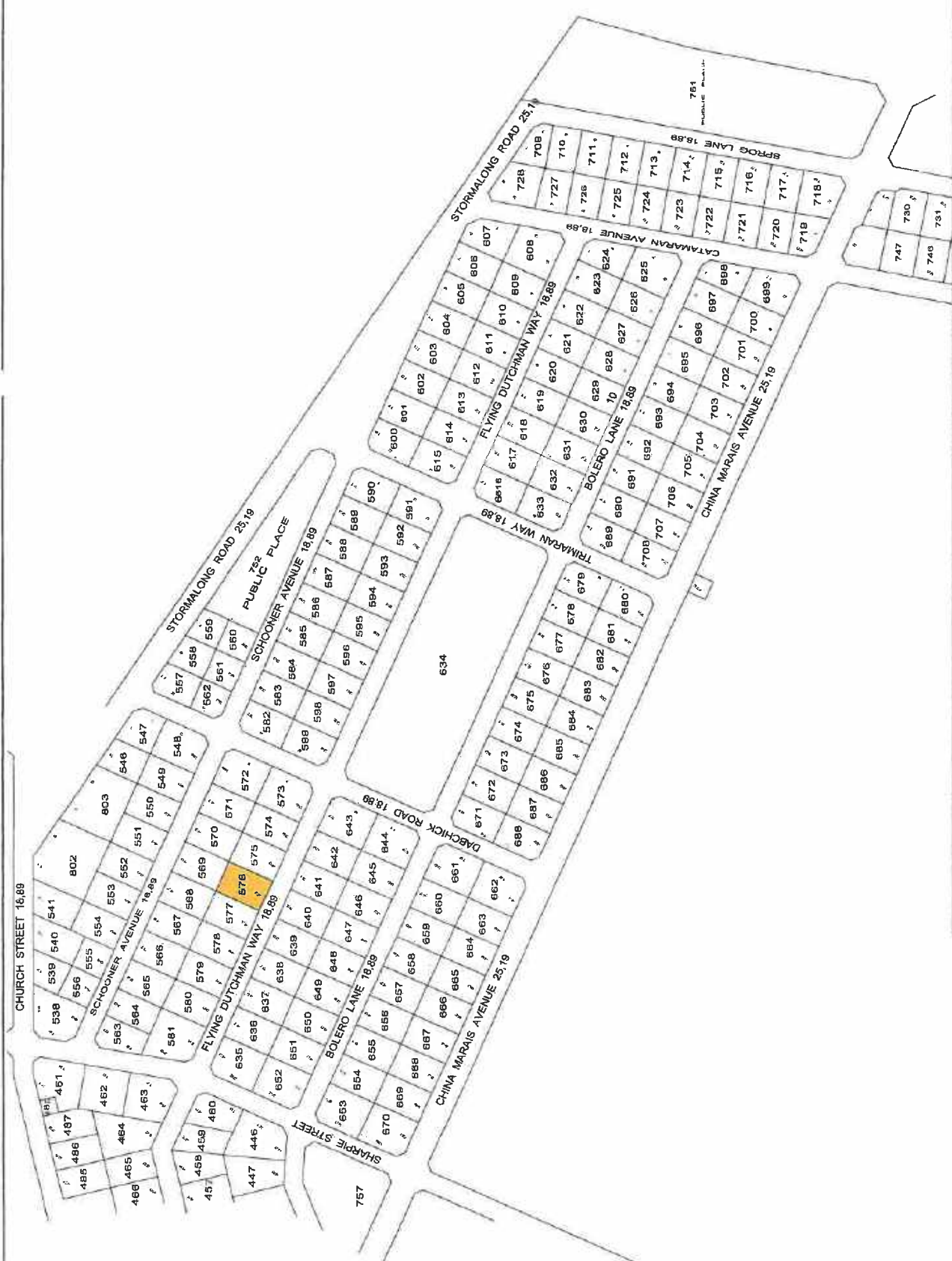
REGISTERED PLANNER

Name: **H VAN DER STOEP**

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

Signature: _____

Date: _____



Scale: NTS
 Drawing Nr: 576 fisherhavent.dwg
 Date: JANUARY 2024

Plan Description:
LOCALITY MAP

Property Description:
**ERF 576
 FISHERHAVEN**

All distances approximate
 and subject to survey.
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 Stads- en Sireeksbeplanners
 Town & Regional Planners

**PROPOSED REMOVAL OF A RESTRICTIVE
TITLE DEED CONDITION**

ERF 576 FISHERHAVEN

OVERSTRAND MUNICIPALITY

1. BACKGROUND

Mr. J. Smit, the owner of Erf 576 Fisherhaven, has instructed the company Plan Active Town Planners to apply for the removal of a restrictive Title Deed condition of Erf 576 Fisherhaven.

The owner intends to erect a main dwelling and a second dwelling on the subject property which is currently vacant. The building plans for a dwelling have already been submitted at the building control office for their approval. This dwelling complies with the Scheme Regulations restrictions applicable to second dwelling units and will become the second dwelling once the building plans for the main dwelling is approved. The intention is to erect the main dwelling after the second dwelling is developed as the main dwelling will be larger in extent. The application will address the applicable restriction in the Title Deed by applying for the removal thereof.

Erf 576 Fisherhaven is 1 487m² in extent and is held by Title Deed Number T15942/2023.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's Amended Bylaw on Municipal Land Use Planning, 2020, for the removal of a restrictive Title Deed condition.

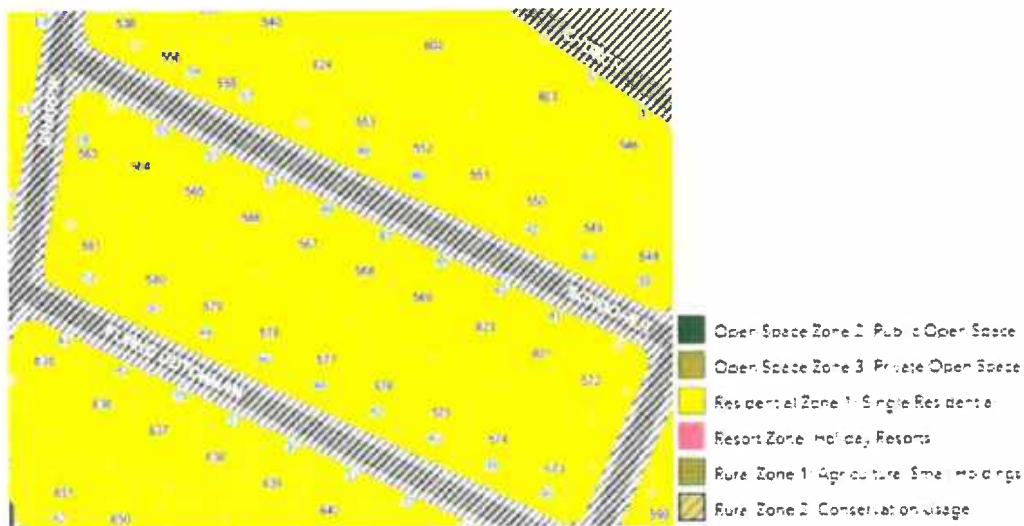
3. DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erf 576 Fisherhaven is situated at 42 Flying Dutchman Way, Fisherhaven. Erf 576 Fisherhaven is 1 487m² in extent and is currently vacant. Please refer to the enclosed locality plan.

3.2 ZONING

Erf 576 Fisherhaven is zoned Residential Zone 1 and is currently vacant. The surrounding properties are also zoned for single residential purposes and public roads.



3.3 LAND USE

Erf 576 Fisherhaven is currently vacant.

Land uses that surround Erf 576 Fisherhaven are single dwellings and public roads. It is therefore evident that the subject property is situated within a predominantly single residential area.

3.4 PROPOSAL

The following is proposed:

- The removal of a restrictive Title Deed condition in terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020.

Erf 576 Fisherhaven is 1 487m² in extent and is currently vacant. The intention of the owner of the subject property is to build a main dwelling and a second dwelling on the subject property. The aforementioned Title Deed applicable to the subject property contains a condition that restricts the subject property to **one (1)** dwelling only. This application is to remove the mentioned restriction from the Title Deed in order to accommodate a proposed main dwelling and second dwelling. As mentioned earlier, building plans for the second dwelling only, has already been submitted to the building control office as a main dwelling. The larger main dwelling will be built at a later stage.

3.4.1. Proposed Removal of Title Deed restrictions

The enclosed Title Deed, T15942/2023 contains the following Title Deed restriction that has to be addressed in order to accommodate the proposal as indicated on the site plan with drawing number **CO1** dated **18 January 2024**:

- **Page 6, paragraph (4)(b):**

- (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;

The reason to have the above-mentioned Title Deed Restriction removed is mainly because the restriction is more stringent than the restrictions as prescribed in the development rules of the Zoning Scheme Regulations for properties with a **Residential Zone 1: Single Residential Zoning**. The applicable Zoning Scheme Regulations prescribe the following land use restrictions in relation to the primary land use rights.

6.1 RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL (SR1)

Use of the property

6.1.1 The following use restrictions apply to property in this zone:

- a) **Primary uses** are: crèche, dwelling house, guest rooms, home occupation, **second dwelling unit** and self-catering.

The detail of the proposed removal of the Title Deed restriction can be described as follows:

- **Page 4, paragraph (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.”*

In terms of the Zoning Scheme Regulations for the Overstrand Municipal Area, a second dwelling is a primary land use right for erven with a Residential Zone 1 zoning and should comply with **Chapter 16, Section 16.10.20** of the **Overstrand Municipal Land Use Scheme Regulations, 2020** and reads as follow:

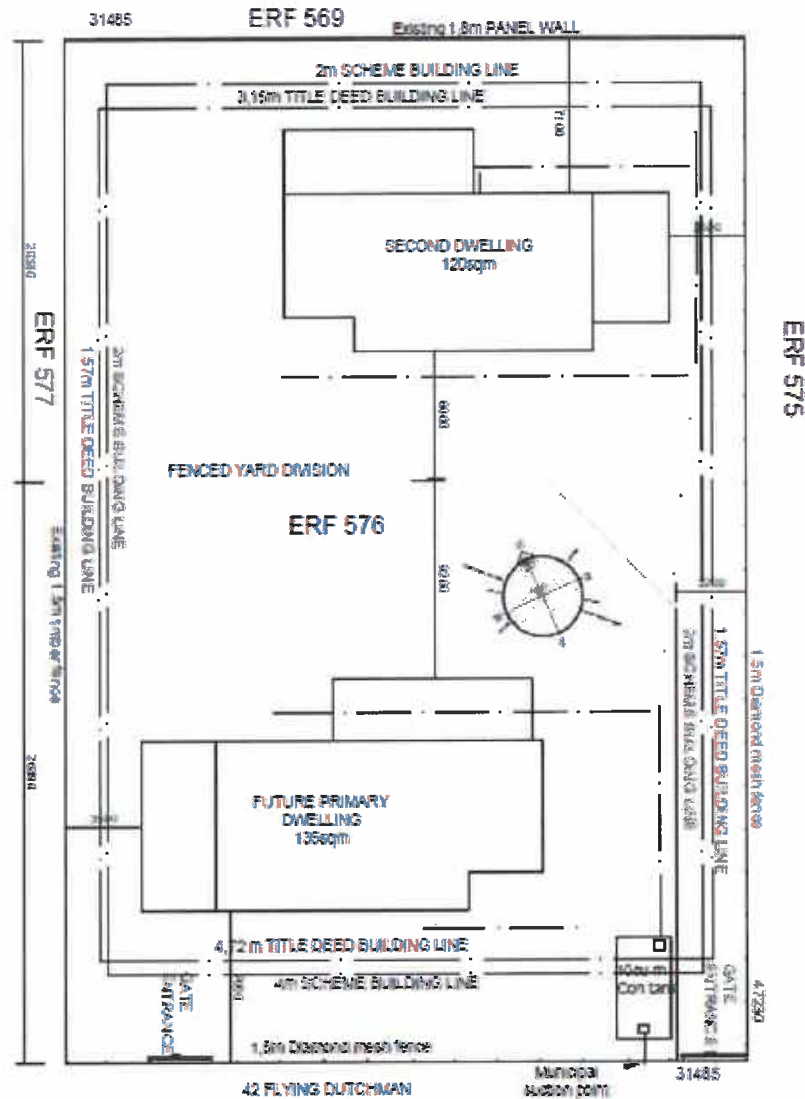
Second dwelling unit

16.10.20 The following additional development parameters apply to a second dwelling unit:

- a) The total floor area (footprint) of the second dwelling unit shall not exceed 120 m²;
- 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) Parking must be provided on the property as per Chapter 17, Section 17.1.3, to the satisfaction of the Municipality, and
- e) A second dwelling must be located within the applicable building lines.

The proposed second dwelling does not exceed the maximum allowable footprint of 120m² as described in the Zoning Scheme Regulations. The second dwelling has a proposed footprint of 120m² and it is situated in the north-eastern corner of the subject property as seen below and does not encroach any building lines. The proposed second dwelling complies with the requirements for a second dwelling as set out in **Chapter 16, Section 16.10.20** of the **Overstrand Municipal Land Use Scheme Regulations, 2020** and does not have a negative impact on surrounding property owners.

Motivation report



The proposal will not have any negative impact on the surrounding property values or the existing residential character of the area. The proposal allows an opportunity for the space on the subject property to be used optimally and the proposed development still complies with the Zoning Scheme Regulations as **no departures** from the land use restrictions are proposed.

It is clear that the restriction in the Title Deed is more restrictive than the development rules in the Zoning Scheme Regulations. By removing the Title Deed restriction, the owner will be able to develop the property as per the primary land use rights as

stipulated in the Zoning Scheme Regulations for properties with a Residential Zone 1 zoning.

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

- **The financial or other value of the rights in terms of the restrictive conditions enjoyed by a person or entity, irrespective of whether these rights are personal or vests in the person as the owner of a dominant tenement.**

The removal of the Title Deed restriction will allow the property to be developed according to the existing policies. The removal will also provide an opportunity for the owner to develop a second dwelling and utilise the space on the subject property optimally. This will increase the market value of the area and attract investment opportunities. Future owners will also be able to develop the subject property according to the primary uses and land use restrictions as set out in the **Zoning Scheme Regulations of the Overstrand Municipal Area.**

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

The personal benefit accumulated to the owners in the township is insignificant insofar as the Title Deed condition to be removed is concerned. None of the existing owners within the township will gain anything personally by having the restriction removed, which prevents the subject property to be utilised according to the development rules with reference to the primary land use rights as stipulated in the Zoning Scheme Regulations. The proposal will have a positive impact on the existing built form in the area. Such change is supported in the future planning documents of the area (**Overstrand Growth Management Strategy**). Surrounding property owners are still protected by the policies in place for the area such as the **Zoning Scheme Regulations of the Overstrand Municipal Area** and the **Overstrand Municipality's Amended Bylaw on**

Municipal Land Use Planning, 2020. The proposed removal of the restrictive Title Deed condition will increase the market value of the property as well as the area as the Title Deed restriction is more restrictive than the land use restrictions prescribed in the Scheme Regulations. This in turn leads to the social and economic benefit of the local community as greater investment will be attracted.

- **The personal benefit which will accrue to the persons seeking the removal of the restrictive conditions if it is removed.**

The property owner will benefit from the removal of the mentioned Title Deed restriction as it will create an opportunity to construct a main dwelling with a second dwelling on the subject property. An opportunity is also created to construct a second dwelling which can be used by a second single family.

- **The social benefit of the removal, suspension or amendment of the restrictive conditions remaining in place.**

Should the condition remain in place, the status quo will remain. If the type of condition to be removed is considered, it is doubtful that the retention thereof would have a significant social benefit. The retention of the restriction will add another layer to be enforced by the Overstrand Municipality, in addition to the Zoning Scheme Regulations' requirements.

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

It can be argued that the possible social benefit of removing the restrictive Title Deed condition and consequently allowing for a main and second dwelling on the subject property will be positive. Removing the condition will enable the better utilization of the property in terms of modern city development.

Furthermore, the removal of the Title Deed condition is in line with the land use planning principles of efficiency and spatial sustainability as set out in the SPLUMA and LUPA, in that the development promotes intensification of land

uses with the constraints of existing infrastructure, without detracting from the visual or residential appeal of the area.

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

The removal of the restriction will not remove the rights completely, as the **Overstrand Municipality's Amended By-law on Municipal Land Use Planning 2020 and The Overstrand Municipal Land Use Scheme Regulations, 2020** provide a level of control that will guide the manner in which the property will be both used and developed.

With reference to Section 47 of the **Spatial Planning Land Use Management Act, 2013**, the removal of a restrictive Title Deed condition will not deprive any person in the subject area of Fisherhaven as contemplated in Section 25 of the **Constitution of the Republic of South Africa**. By denying the removal of the Title Deed restriction, the property owner will be deprived from utilising the subject property to its full potential and possible accommodation to a single family within the Fisherhaven township.

The removal of the Title Deed restriction application is made in the prescribed manner as per the **Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020**. The proposed removal of the restriction will therefore be in the interest of the general public. In relation to the above, the benefit of removing the Title Deed restriction outweighs the benefits of keeping the restriction in place.

3.5 ACCESS

The subject property is currently vacant. Vehicular and pedestrian access to Erf 576 Fisherhaven and the proposed dwellings will be from Flying Dutchman Way, Fisherhaven.

3.6 SERVICES

Erf 576 Fisherhaven is situated in an already developed area where all services exist. The proposed removal of the restrictive Title Deed condition will have minimal impact on the existing services. Any additional services required to the subject property will be done according to the specifications of the Overstrand Municipality.

3.7 TITLE DEED

Title Deed T15942/2023 has a restriction that must be removed in order for the owner to develop the proposed two dwellings on the subject property.

The enclosed Title Deed, T15942/2023 contains the following Title Deed restriction that has to be addressed:

- **Page 4, paragraph (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.”*

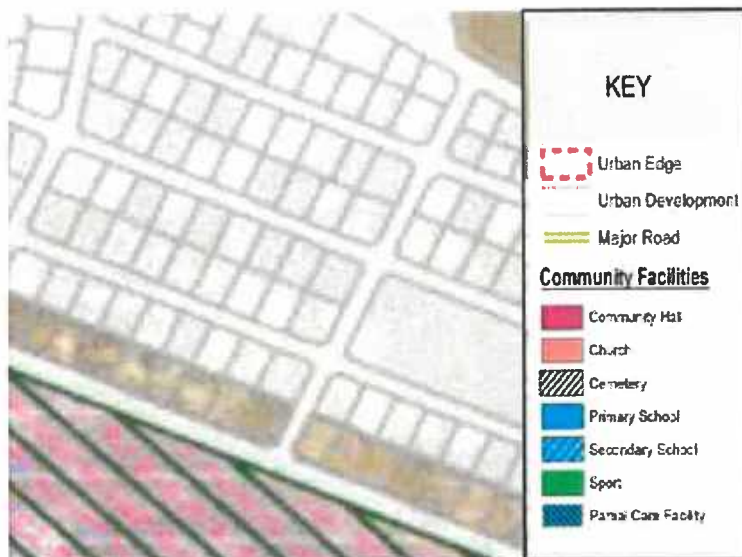
The reasons for the removal of the restrictive Title Deed condition has already been covered as per paragraph 3.4.1 above.

There is no bond registered against Erf 576 Fisherhaven.

3.8 FORWARD PLANNING

Overstrand Municipal Spatial Development Framework (2020).

In terms of the Overstrand Wide Spatial Development Framework the subject property is earmarked for urban development purposes. The residential zoning of the subject property will be retained after the removal of the restrictive Title Deed condition application has been concluded.



Overstrand Growth Management Strategy (2010)

With reference to the Overstrand Growth Management Strategy the subject erf falls within Planning Unit 1 which represents the Fisherhaven Village. Incremental densification of 20% of even through further subdivision is proposed in terms of this proposal.

With reference to the *Overstrand Growth Management Strategy (2010)*, the proposal will not have any impact on the proposed density for the area. Therefore, the proposed removal of the restrictive Title Deed condition can be supported.

3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.9.1 HERITAGE VALUE

Erf 576 Fisherhaven is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The property is not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

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

In the light of the above mentioned it is evident that the proposed removal of a restrictive Title Deed condition will not have a negative impact on the heritage value of the subject property or the greater area of Fisherhaven.

3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed removal of the Title Deed restriction does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

3.10 PLANNING PRINCIPLES

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience of this application can be described as follows:

Spatial Justice: The proposed removal of the Title Deed restriction is in line with the current land use tendencies in the vicinity, within the Fisherhaven area. The proposed removal of a restrictive Title Deed condition will create an opportunity for the owner to develop the subject property according to the land use restrictions imposed by the zoning scheme regulations.

Spatial Sustainability: The proposed removal of the Title Deed restriction is in line with the current character of the established residential area. The proposed application will have no impact on the conservation worthy areas of Fisherhaven. The proposal does not have any impact on the residential character for this specific area of Fisherhaven.

Efficiency: The proposed application for the removal of the restrictive Title Deed condition will promote the optimisation of the use of space within a developed residential area.

Spatial Resilience in the context of land use planning refers to the need to promote the development of sustainable livelihoods for the poor (i.e. communities that are most likely to suffer the impacts of economic and environmental shocks). Spatial resilience also refers to the requirement for flexibility in spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience in terms of future shocks (United Nations Office for Disaster Risk Reduction, 2009). In our opinion the principle of Spatial Resilience is not applicable to this application.

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

4. RECOMMENDATION

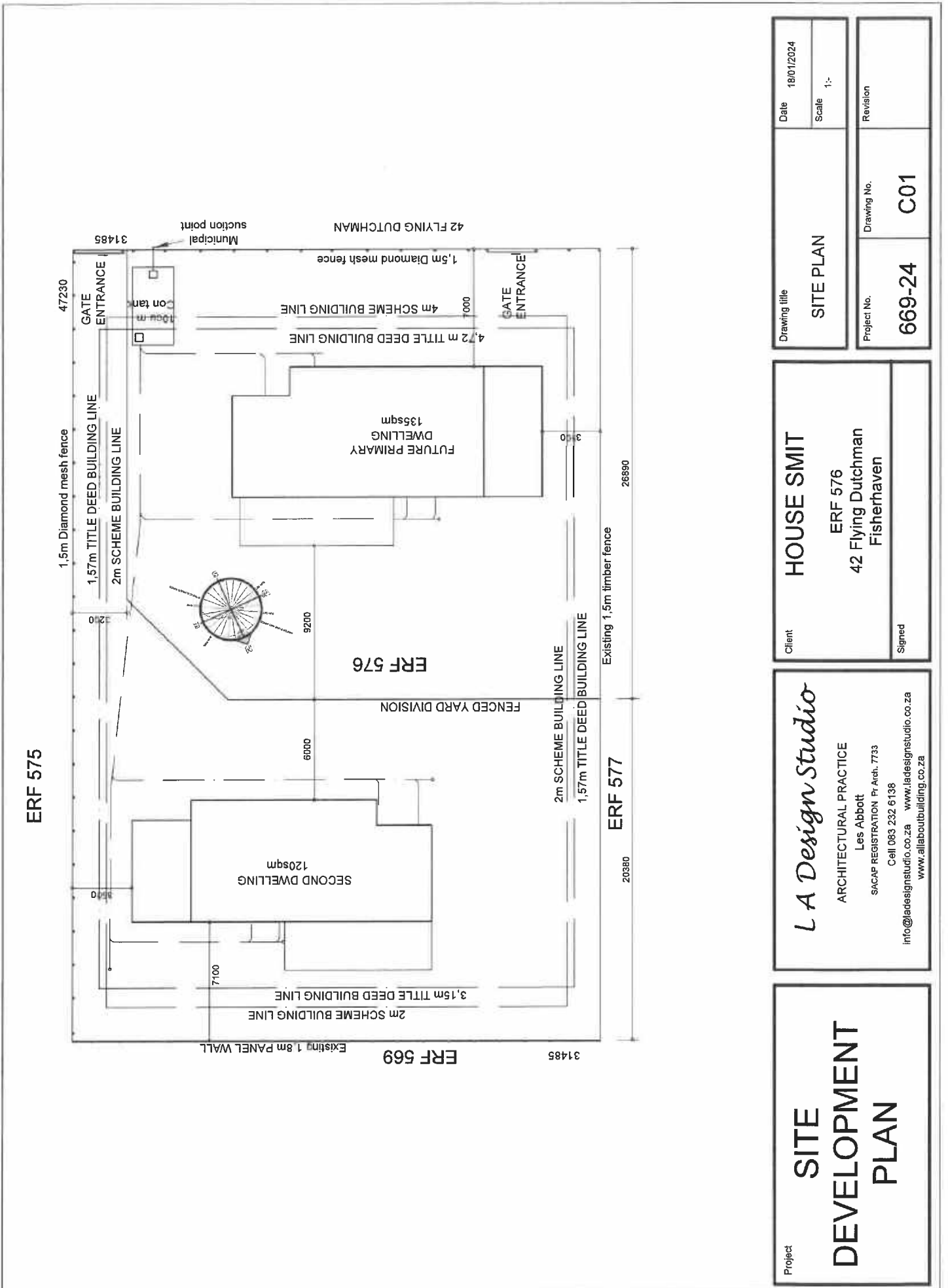
When this application is evaluated, it is important to take note of the following:

- The proposed removal of the restrictive Title Deed condition in order to permit a main dwelling and second dwelling falls within the existing land use tendencies in the area;

Motivation report

- The proposal will not have a negative impact on the residential character of the area;
- The proposal will not have a negative impact on the existing services;
- The proposal is in accordance with the land use restrictions as stipulated in the Scheme Regulations for the Overstrand Municipality;
- The proposed removal of the restrictive Title Deed condition will not have a negative impact on the land values of the surrounding erven.
- The proposed application is in line with Spatial Planning Land Use Management Act, 2013 (SPLUMA) and the Land Use Planning Act, 2014 (LUPA).

With regards to the above mentioned it would be appreciated if the Overstrand Municipality would consider the application favourably for the removal of a restrictive Title Deed condition of Erf 576 Fisherhaven.



Drawing title	Date	18/01/2024
	Scale	1:-
Project No.	Drawing No.	669-24
	Revision	C01

Client	HOUSE SMIT
	ERF 576
	42 Flying Dutchman
	Fisherhaven
Signed	

<i>L A Design Studio</i>	
ARCHITECTURAL PRACTICE	
Les Abbott	
SACAP REGISTRATION Pr. Arch. 7733	
Cell 083 232 6136	
www.ladesignstudio.co.za	
www.allaboutbuilding.co.za	
info@ladesignstudio.co.za	

Project	SITE DEVELOPMENT PLAN
---------	------------------------------

340

Dykes van Heerden (Cape) Inc
 Unit E4/2
 Edward IV
 120-122 Edward Street
 Bellville
 7530

Prepared by me

E. HOPKINS
 CONVEYANCER
 ELANA HOPKINS (85685)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 610 000.00	R. 1126.00
Reason for exemption	Category Exemption	Exemption i.o. Sec/Reg Act/Proc

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DATA / VERIFY
 03-05-2023
 FATGEYAH LARNEY

DATA / CAPTURE
 03-05-2023
 LINDA NCAPAI

T00015942 2023

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

ELMAREZIA CARMELITA HENDRICKS (89712)

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

BRETT CLYDE HOARE
 Identity Number 691129 5024 08 9
 Unmarried

which said Power of Attorney was signed at Fisherhaven on 24 January 2023

M

And the appearer declared that his/her said principal had, on 14 January 2023, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

JOHAN SMIT
Identity Number 740802 5117 08 4
Unmarried

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

ERF 576 FISHERHAVEN
 IN THE OVERSTRAND MUNICIPALITY
 DIVISION CALEDON
 PROVINCE OF THE WESTERN CAPE

IN EXTENT 1487 (ONE THOUSAND FOUR HUNDRED AND EIGHTY SEVEN)
 Square metres

FIRST TRANSFERRED by Deed of Transfer Number T17733/1985 with Diagram No. 7623/1976 relating thereto and held by Deed of Transfer Number T14624/2000

- A. **SUBJECT** to the conditions referred to in said Certificate of Uniform Title No. T5659/1959.
- B. **SUBJECT FURTHER** to the conditions mentioned in Deed of Partition Transfer No. T8000/1931 in favour of Josias Servaas Delport, that Petrus Johannes Delport and his successors in title of the property called ROOI SAND, part of AFDAKS RIVIER, transferred to him on 22 October 1931 No. T7998 shall have the right of trekking with his sheep twelve times a year over the property hereby transferred to a spot to be indicated by the said Transferee and his aforesaid.
- C. **SUBJECT FURTHER** as set forth in Certificate of Uniform Title No. T5659/1959:
- (a)
- (b) To the right to take land and remove materials for making and repairing public roads.
- D. **SUBJECT FURTHER** to the condition referred to in the Endorsement dated 11th May 1970 on said Deed of Transfer No. T11975 dated 6 June 1967, which Endorsement reads as follows:

"Registration of Servitude"

The within described land is subject to a Servitude with regard to apportionment of water in terms of an Order of the Water Court (Water Court District No. 11/64) dated the 1st of February 1965 as will more fully appear on reference to the copy of the said Order annexed to Deed of Transfer No. 11190/1960."

E. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No. T17733/1985 newly imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance 33 of 1934 when approving of the establishment of Fisherhaven Township, namely:

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 Provincial Administration Notice No. 401 dated 17th of 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 township 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, channel, conduit or other works pertaining thereto.
3. The owner of this erf shall be obliged, without compensation to receive such material or permit such 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.

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Page 4

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 restriction in any such condition 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) not more than 30% of 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 3,05 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;
- (e) in the event of the provisions of a Town Planning Scheme being made applicable to this erf, which provisions are more restrictive than the provisions of such scheme shall apply.

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F. **SUBJECT FURTHER** to the condition imposed by Transferor Company in its favour as owner of the remainder of Fisherhaven Township, and its successors in title, and held by it by said Deed of Transfer dated 6 June 1967, No. 11975 to wit:

Page 5

"No building shall be placed on the land hereby sold until the plans and locations of the building have been submitted and approved by both the Company and the Local Authority."

In the foregoing condition the expression "the Company" shall mean LAKE MARINA PROPERTIES PROPRIETARY LIMITED and its successors in title

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

BRETT CLYDE HOARE , Unmarried

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

JOHAN SMIT , Unmarried

his Heirs, Executors, Administrators or Assigns, now is 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 of R610 000,00 (SIX HUNDRED AND TEN 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 2023-04-26 2023 ~~27~~



q.q.

In my presence



REGISTRAR OF DEEDS

Certified a true copy of the original of record in this Registry in terms of	
Reg 06	
Deeds Registry Cape Town	Praxis Registrar of Deeds



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION:
ERF 576, FISHERHAVEN (4583/2024)**

Stormwater (SW)	:	Refer to conditions
Electricity	:	Eskom Area
Water	:	Refer to conditions
Sewer	:	Refer to conditions
Roads and traffic	:	Refer to conditions

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
3. 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 Area Manager: Hermanus for written approval;
4. that any additional and / or extended vehicle entrances will be for the owner's account;
5. that no reservation of on-street parking be allowed;
6. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
7. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

Loretta Gillion

From: Bresler van Blerk < >
Sent: Tuesday, 02 April 2024 14:10
To: Loretta Gillion
Subject: Removal of restrictive conditions i.r.o. Erf 576, 42 Flying Dutchman Way

Good Afternoon,

My apologies. I have neglected to include my address and cell phone number. My address is 13 China Marais Ave. Fisherhaven [Erf 418] and my number is

Regards

Celia van Blerk

Good Day,

Thank you for the opportunity to comment on the above.

This is the third similar application so far this year [2024].

I am not directly affected by this specific application, but am worried about the effect the removal of restrictive conditions in general will have on Fisherhaven. Fisherhaven is known for its large plots and tranquil atmosphere. Up to fairly recently, we also had wild horses roaming freely in the streets. Because the suburb is getting busier, the horses were relocated.

There are many large plots in Fisherhaven. If all the owners of large plots subdivide their plots to build two dwellings on each, the suburb will in all probability lose its tranquility. The streets will become even busier and will affect cyclists, pedestrians, guinea-fowl, pheasant and the many tortoises that are still around.

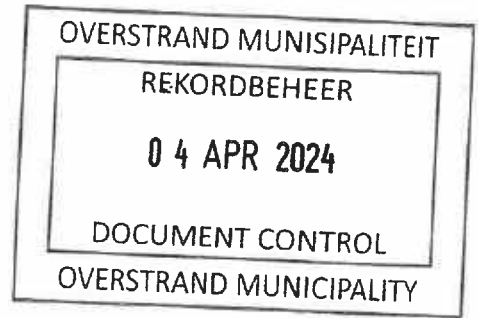
My question is if there are specific criteria that the municipality use to grant permission or not for deviations from the original title deeds?

If so, what are these criteria?

Kind Regards

Mrs. C.H. van Blerk

TP-A Theart
(Hollivier)

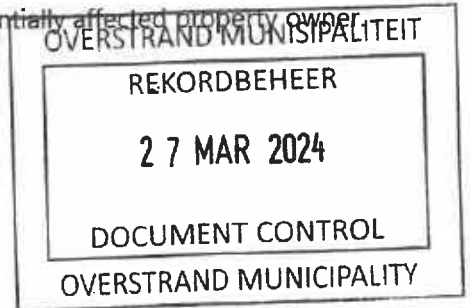


FILE NO.	Erf 576-HFH ✓
SCAN NO.	HFH 576
COLLABORATOR NO.	2024635

TP - 4 APR 2024

Loretta Gillion

From: Nizar Petersen < >
Sent: Tuesday, 26 March 2024 10:37
To: Loretta Gillion
Subject: FW: ERF 576, 42 FLYING DUTSCHMAN WAY , FISHERHAVEN - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner
Attachments: 576 Fisherhaven Notice.pdf



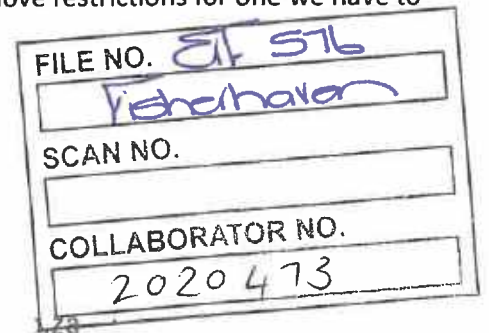
Morning

I object to this application, and believe the restriction must remain in place

Fisherhaven is known for its quiet and open spacious environment, all these additional developments will create a business hub setting, and remove the reason why I chose to live in the area.

When you purchase land in the area you are aware of the title deeds, if we remove restrictions for one we have to remove restrictions for all

*TP. n/thead
(H. Olivier)*



NIZAR PETERSEN

EMAIL: .
OFFICE:
PHONE:

www.hiconstruction.co.za

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From: natasha@planactive.co.za <natasha@planactive.co.za>
Sent: Tuesday, 12 March 2024 11:13
To: natasha@planactive.co.za
Subject: ERF 576, 42 FLYING DUTSCHMAN WAY , FISHERHAVEN - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner.

To whom it may concern

You are regarded as a potentially affected property owner.

Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) requires that notice must be given, and Section 49 allows for a period of not less than 30 days from the

26 MAR 2024

Our reference: PA24003
Your reference: 576 HFH
Application ID: 4583/2024

8 May 2024

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

FOR ATTENTION: MR. HENK OLIVIER

Sir

PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITION: ERF 576 FISHERHAVEN

Reference is made to your email dated 26 April 2024 with two objections attached thereto.

The objections were received from:

- CH van Blerk
- N Petersen

Herewith the summary of the objections and our response:

1. *The objector mentions that she is not directly affected by the application but is concerned with the effect the removal of title deed restrictions in general will have on Fisherhaven which resulted in the relocation of the wild horses as the area is getting busier.*

The Overstrand Scheme Regulations make provision for a second dwelling as a primary use on Single Residential Zoned erven as per the insert below from the aforementioned regulations.



TP. N. Hoar
(H. Olivier)

FILE NO.	CF 576
	Fisherhaven
SCAN NO.	06
COLLABORATOR NO.	2043912

6.1 RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL (SR1)

Use of the property

6.1.1 The following use restrictions apply to property in this zone:

- a) Primary uses are: crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering.

The reason to have the Title Deed restriction, limiting one dwelling per property, removed is because this restriction is more stringent than the restrictions as described in the development rules of the Zoning Scheme Regulations of the Overstrand Municipality.

Fisherhaven, a well-established residential community with public roads, could have prioritized the relocation of wild horses for their safety. However, property owners in Fisherhaven recognize the presence of wild horses and have adjusted accordingly.

2. *The owners of the large plots subdivide their plots to build two dwellings and the suburb is losing its tranquillity. The streets are becoming busier and it affects pedestrians, cyclists and small animals.*

The current application concerns the addition of a second dwelling on the property, rather than a subdivision. In the past, Fisherhaven had numerous undeveloped plots of land (erven), but this landscape is evolving as more dwellings are constructed. Consequently, the addition of a second dwelling on Erf 576 Fisherhaven is not expected to significantly disrupt the tranquillity of the area. The trend of increasing development suggests that the addition of one more dwelling is in line with the ongoing transformation of Fisherhaven's housing landscape. Therefore, the proposed second dwelling is unlikely to have a substantial impact on the overall peaceful ambiance of the neighbourhood.

3. *What criteria is used by the Municipality to grant permission or not for deviations from the original title deeds.*

The criteria to be used by the Overstrand Municipality, and that was discussed in the Motivation for the removal of title deed restriction, is as follows:

- The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vests in the person as the owner of a dominant tenement.
- The personal benefit which accrue to the holder of rights in terms of the restrictive conditions.
- The personal benefit which will accrue to the persons seeking the removal of the restrictive conditions if it is removed.
- The social benefit of the removal, suspension or amendment of the restrictive conditions remaining in place.
- The social benefit of the removal, suspension or amendment of the restrictive conditions.
- Whether the removal, suspension or amendment conditions will completely remove all rights enjoyed by the beneficiary or only some of the rights.

4. Title Deed Restrictions must stay in place as additional developments will create a business hub setting.

The removal of the restrictive Title Deed condition pertains to a single residential erf measuring 1,487m². The proposed second dwelling will serve purely residential purposes. According to the indicated layout on the Site Plan, the second dwelling will be situated behind the primary dwelling. Consequently, the placement of the second dwelling will not alter the streetscape of the area. Therefore, the assertion that this action would result in the creation of a business hub is unfounded.

5. The removal of Restrictions will cause a precedent.

Removing the restriction on one dwelling per property aligns with the development rules set by the Overstrand Municipality. This change is supported by the Overstrand Growth Management Strategy (2010) and won't set a new precedent since similar applications have been approved before. It reflects a commitment to flexible and sustainable urban planning practices, allowing for property development while adhering to municipal guidelines.

We trust that you find the above in order and that you will be in a position to finalize the application.

Yours faithfully



J. Mc Lachlan

PLAN ACTIVE

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Reg. No. 2006/030921/07
Vat. No. 4770250340

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI Nr.10908; SACPLAN Tch.Pln B/8250/2014
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)
Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACPLAN Pr.Pln A/158/2009