

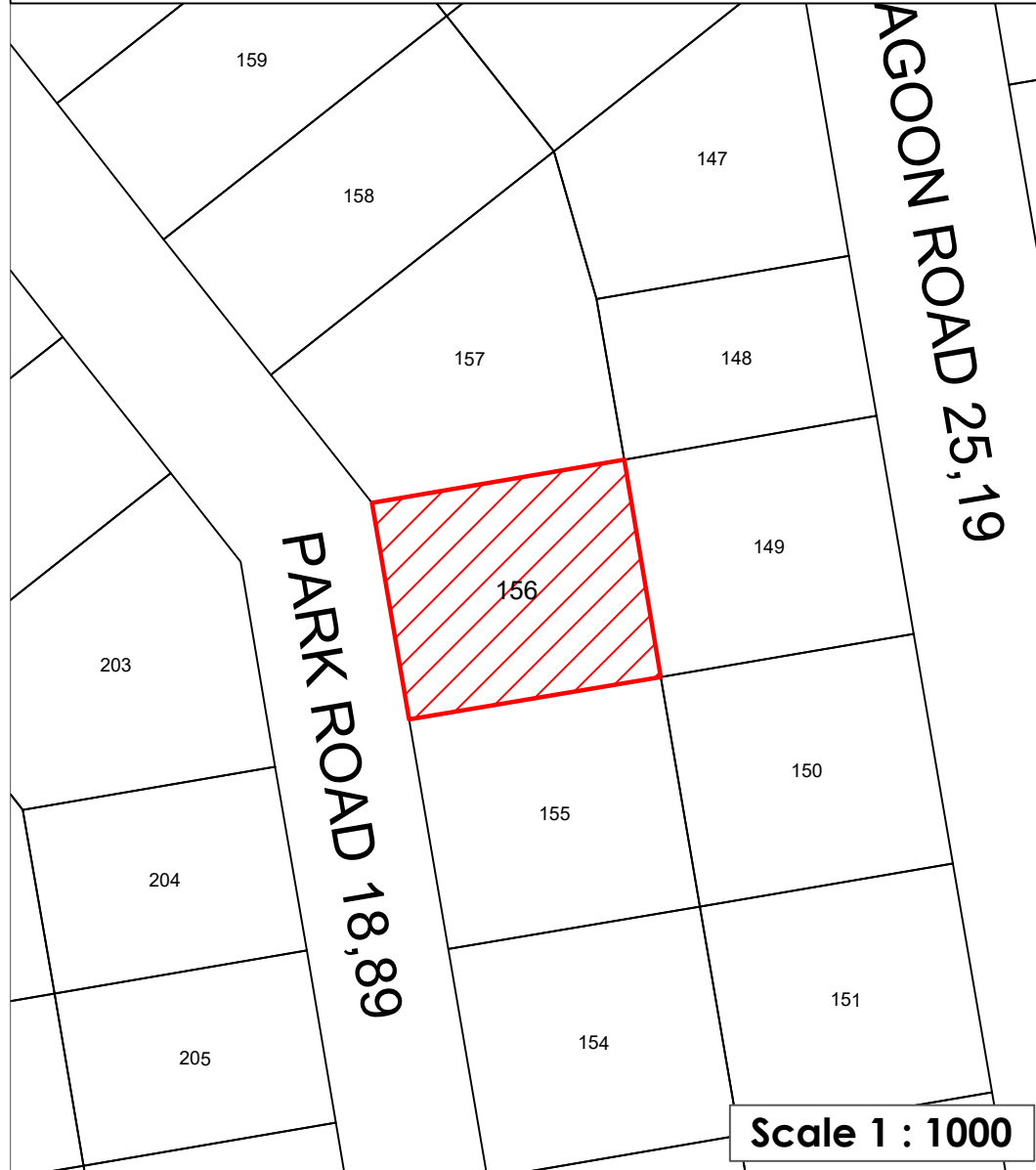


OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
<u>ERF 156, 36 PARK ROAD, FISHERHAVEN: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: WRAP PROJECT OFFICE ON BEHALF OF MD & A RUST</u> Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of an application received for a removal of restrictive title deed conditions in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions E.4.(b) and E.4.(c) as contained in Title Deed T50223/2019 of the property, to accommodate future development of the property with two separate dwelling units. Full details regarding the proposals above are available for inspection during weekdays between 08:00 and 16:30 at the Division: Town and Spatial Planning, 16 Paterson Street, Hermanus and on the municipal webpage at the following link https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) on or before 16 October 2026, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the Town Planner, Mr. H. Olivier at 028-3138900. The Municipality may refuse to accept comments after the closing date. Any person who cannot read or write can visit the Division: Town and Spatial Planning where they will be assisted by a municipal official in formulating their comments. <i>Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed / used in the (application) process.</i>	<u>ERF 156, PARKWEG 36, FISHERHAVEN: AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDES: WRAP PROJECT OFFICE NAMENS MD & A RUST</u> Kennis word hiermee gegee ingevolge Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) van 'n aansoek ontvang vir 'n opheffing van beperkende titelaktevoorwaardes ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaarde E.4.(b) en E.4.(c) soos vervat in Titelakte T50223/2019 van die eiendom, om die toekomstige ontwikkeling van die eiendom met twee afsonderlike wooneenhede te akkommodeer. Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Afdeling: Stads- en Streekbeplanning te Patersonstraat 16, Hermanus en op die munisipale webtuiste by die volgende skakel https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) landuse@overstrand.gov.za) voor of op 16 Oktober 2026, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Stadsbeplanner, Mnr. H. Olivier by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Afdeling: Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer. <i>U aandag word gevestig op die Bepalings van die "POPI" Wet, en aangesien u opmerking deel sal uitmaak van 'n openbare deelname proses, u derhalwe toestem dat u naam, van en kontakbesonderhede openbaar gemaak mag word.</i>	<u>ISIZA 156, 36 PARK ROAD, FISHERHAVEN: ISICELO SOKUSUSWA KWEEMKO EZITHINTLAYO KWITAYITILE YOBUNINI: WRAP PROJECT OFFICE EGAMENI MD & A RUST</u> Isaziso siyanikezelwa ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala woLungiso loLungiso lukaMasipala waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) kwisicelo esifunyenweyo sokususwa kwemiqathango ethintelayo yetayitile ngokweCandelo le-16(2)(f) loMthetho kaMasipala ukuze kususwe imiqathango yesithintelo setayitile yobunini E.4.(b) kunye E.4.(c) njengoko kuqulethwe kwiSivumelwano soBunini T50223/2019 yepropati, ukuze kulungiselelwe uphuhliso lwexesha elizayo lwepropati olubandakanya iiyunithi zokuhlala ezimbini ezahlukeneyo. linkcukacha ezipheleleyo malunga nezi zindululo zingentla ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxesha okusebenza phakathi kwentsimbi ye-08:00 kunye ne-16:30 kwiSebe: Ucwangciso lweDolophu noMhlaba, 16 Paterson Street, Hermanus nakwiphepha lewebhu likamasipala kule linki ilandelayo https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Naziphi na izimvo mazibhalwe phantsi kwaye zifike kuMasipala (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) ngomhla okanye phambi kowama-16 EyeDwarha 2026, kunye negama lakho, idilesi, iinkcukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zokuhlomla. Imibuzo ngomnxeba ingenziwa kuMchwangcisi weDolophu, uMnu. H. Olivier kule nombolo 028-3138900. UMasipala unokwala ukwamkela izimvo emva komhla wokuvala. Nabani na ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe leDolophu noCwangciso loMhlaba apho aya kuthi ancediswe ligosa likamasipala ekuqulunqeni izimvo zabo. <i>Nceda uqaphele ukuba ngokoMthetho woKhuseleko lweNgcaciso yoMntu (POPIA), uya kuba ungena kwinkqubo kawonke-wonke kwaye uyavuma kwaye uyavuma igama lakho, ifani, iinkcukacha zoqhagamshelwano kunye (ii) izimvo zinokuchazwa / zisetyenziswe kwinkqubo (yesicelo).</i>
EW JANTJIES Acting Municipal Manager / Waarnemende Munisipale Bestuurder / Umphathi Kamasipala Obambeleyo PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200		

Notice no. / Kennisgewing nr. / Inothi si yeNomb: 190/2026

Plan 1 - Locality Plan

Erf 156 - Fisherhaven



Plan prepared by: Thian Jansen

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Office 3, Oakwood, 10 Dirkie Uys Street, Hermanus



Project Office
Town Planning & Project Management



ERF 156 FISHERHAVEN

APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION

Application prepared for:

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Submitted

August 2026



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1. PROPERTY DETAILS

Property description	Erf 156 Fisherhaven
Extent	1036 m ²
Zoning	Residential Zone 1: Single Residential
Title Deed	T50223/2019

2. EXECUTIVE SUMMARY

Erf 156 Fisherhaven, hereafter referred to as the subject property, is situated at 36 Park Road, Fisherhaven, within the Overstrand Municipal area. The location of the property is illustrated on **Plan 1: Locality Plan**.

The owners previously obtained building approval for the construction of a dwelling on the property. Following a review of the approved building plans, they have elected to amend the proposed development to provide two separate dwelling units on the property. The additional dwelling will enable the owners to utilise the property more efficiently while creating an opportunity to generate supplementary rental income.

The proposed development is however constrained by a restrictive title deed condition that limits the property to the erection of one dwelling only. As a result, the owners are required to apply for the removal of the applicable restrictive title deed condition before the amended building plans can be submitted for approval and implemented.

Accordingly, this application seeks the removal of the restrictive title deed condition contained in the title deed. The detailed motivation for the removal of this restrictive title deed condition is provided in the relevant sections of this report below.

3. PROCEDURE TO ACHIEVE THE OWNERS' INTENT

This application is submitted in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020 By-Law and comprises the following application component:

3.1. Removal of restrictive title deed conditions to accommodate the proposed use of the property;

The owners intend to amend the previously approved building plans to provide for two separate dwelling units on the subject property. Although the property is zoned Residential Zone 1: Single Residential, the proposed development is constrained by restrictive title deed conditions that limit the development of the property to one dwelling only and restrict the building coverage to 30% of the erf area.

In order to lawfully implement the proposed development, it is necessary to remove the applicable restrictive title deed conditions contained in Title Deed T50223/2019.

The relevant conditions read as follows:

"E. SUBJECT FURTHER to the following conditions contained in Deed of Transfer Number T42850/1982 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:"
Proposed sub-conditions to be removed under Condition E: <i>"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:</i> <i>(b) It shall be used solely for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith.</i> <i>(c) No more than 30% of the area thereof shall be built upon;</i>

The purpose of this application is to remove the above restrictive title deed conditions to enable the owners to amend the approved building plans and develop the property with two separate dwelling units. The removal of the conditions will also eliminate outdated development restrictions that no longer reflect the current development parameters applicable to the property. Thereafter, the development of the property will be regulated by the provisions of the Overstrand Municipal Land Use Scheme, 2020 (OMLUS), together with all other applicable municipal planning legislation and development parameters.

Motivation for the removal of conditions E.4 (b)
The rationale for the proposed removal Condition E.4 (b), which restricts the development of the property to the erection of one dwelling together with such outbuildings as are ordinarily required to be used therewith, was imposed in 1982 at the time of the establishment of Fisherhaven Township. During this period, township establishment approvals were commonly accompanied by title deed conditions intended to regulate the form and intensity of development in accordance with the planning objectives applicable at the time. The condition was imposed to promote a low-density residential character within Fisherhaven by limiting each erf to a single dwelling. This approach reflected the planning principles and development expectations of the time, where title deed restrictions were frequently utilised as an additional mechanism to regulate development over and above the applicable planning controls. At the time, the imposition of such conditions ensured that development occurred in accordance with the approved township establishment and provided an additional level of control over the use and development of individual properties. The condition therefore reflected the planning policies, development objectives and legislative framework applicable at the time of the township's establishment.
Status quo The subject property, Erf 156 Fisherhaven, is developed with an approved dwelling and is zoned Residential Zone 1: Single Residential in terms of the OMLUS. The owners now wish to amend the approved building plans to provide for two separate dwelling units, thereby

allowing the property to be utilised more efficiently while generating an additional source of income.

The existing title deed restriction, however, limits the property to the erection of one dwelling only and consequently prohibits the proposed development, notwithstanding the applicable zoning and municipal planning framework.

The restrictive condition therefore unnecessarily limits the reasonable development potential of the property and no longer reflects the current planning framework, where development is regulated through the provisions of the OMLUS, rather than through historic title deed restrictions. The removal of this condition will enable the owners to pursue the proposed development, subject to compliance with all applicable municipal planning requirements.

Motivation for the removal of conditions E.4 (c)

The rationale for the proposed removal

Condition E.4 (c), which limits the building coverage on the property to 30% of the erf area, was likewise imposed in 1982 during the establishment of Fisherhaven Township. At the time, restrictive title deed conditions were commonly used to regulate the scale and intensity of development in addition to the planning controls that existed under the legislative framework of the day.

The coverage limitation formed part of the original development controls intended to preserve the desired residential character of the township and to ensure that buildings occupied only a limited portion of each erf. Such restrictions reflected the planning policies and development standards that were considered appropriate at the time of township establishment.

Since then, the planning system has evolved considerably, with development parameters now being comprehensively regulated through municipal land use schemes and associated planning legislation. As a result, historic title deed restrictions of this nature have, in many instances, become unnecessary and duplicate the development controls already administered by the local authority.

Status quo

The owners propose amendments to the approved building plans that will result in a building footprint exceeding the 30% coverage limitation contained in the title deed. Although the proposed development remains subject to the provisions of the OMLUS, the restrictive title deed condition prevents the implementation of the amended plans.

The removal of this condition will eliminate an outdated development restriction while ensuring that the future development of the property remains subject to the applicable municipal development parameters, including coverage, building lines, height, and all other requirements contained in the OMLUS. Accordingly, the removal of the condition will not result in uncontrolled development but will instead allow the property to be assessed under the contemporary planning framework administered by the Municipality.

In accordance with Section 39(5)(a)(f) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA), the following considerations have been taken into account in support of the application for the removal of the restrictive title deed conditions:

LUPA, Section 39(5) (a-f)		Assessment
(a)	<i>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 vest in the person as the owner of a dominant tenement;</i>	The restrictive title deed conditions were imposed by the Administrator at the time of the establishment of Fisherhaven Township as planning controls and do not confer any identifiable financial or proprietary benefit on any individual, neighbouring property owner or other entity. Their removal will therefore not prejudice any existing rights or interests.
(b)	<i>the personal benefits which accrue to the holder of rights in terms of the restrictive condition;</i>	There is no identifiable holder or beneficiary that derives a personal benefit from the continued existence of these restrictive conditions. The conditions serve only to limit the development potential of the subject property and no longer fulfil a practical planning purpose under the current legislative framework.
(c)	<i>the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended;</i>	The removal of the restrictive title deed conditions will enable the owners to amend the approved building plans to accommodate two separate dwelling units and a building footprint exceeding the historic 30% coverage limitation. This will allow the property to be utilised more efficiently while remaining subject to the development controls contained in the OMLUS.
(d)	<i>the social benefit of the restrictive condition remaining in place in its existing form;</i>	The continued enforcement of the restrictive conditions provides no meaningful social or planning benefit. Modern planning legislation and the OMLUS comprehensively regulate the use and development of land, rendering these historic title deed restrictions largely redundant.
(e)	<i>the social benefit of the removal, suspension or amendment of the restrictive condition; and</i>	The removal of the restrictive conditions will facilitate the efficient utilisation of an existing residential property while allowing development to be assessed in accordance with contemporary planning legislation. The proposal supports orderly development by enabling the Municipality to regulate the property through the provisions of the OMLUS rather than outdated title deed restrictions.
(f)	<i>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.</i>	As there is no identifiable beneficiary enjoying rights under these restrictive conditions, no rights will be extinguished through their removal. The proposal merely removes historic restrictions that duplicate or have been superseded by the current



		municipal planning framework. Development of the property will remain subject to all applicable statutory requirements and municipal approval processes.
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4. PLANNING ASSESSMENT

4.1. ZONING

The subject property is zoned Residential Zone 1: Single Residential in terms of the Overstrand Municipal Land Use Scheme, 2020 (OMLUS).

The proposed removal of the restrictive title deed conditions will not alter the property's zoning. The property will remain subject to the development rights and parameters applicable to Residential Zone 1, and the proposed development will continue to be regulated in terms of the provisions of the OMLUS.

4.2. ENGINEERING SERVICES

The availability and capacity of engineering services are relevant considerations in terms of Section 42(1)(c)(v) of SPLUMA.

The subject property is already connected to the existing municipal engineering service networks, including water, sewerage, electricity and stormwater infrastructure. The proposed development represents a modest increase in the utilisation of an existing residential property and is not anticipated to place an unreasonable or unacceptable demand on the available municipal services.

The proposal is therefore not expected to have a detrimental impact on the capacity or functioning of the existing engineering infrastructure serving the area.

Access, Egress and Parking

Vehicular access to the property will continue to be obtained from Park Road, with no changes proposed to the existing access arrangements.

The proposed development will provide two on-site parking bays for the primary dwelling and one on-site parking bay for the second dwelling, thereby satisfying the applicable parking requirements. The proposal is not expected to generate traffic volumes that would adversely affect the surrounding road network or compromise road safety.

4.3. POLICIES AND REGULATIONS

4.3.1. Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The subject property is situated within the Environmental Management Overlay Zone (EMOZ), specifically the Coastal Protection EMOZ, as identified in the OMLUS.

The proposed application is limited to the removal of restrictive title deed conditions to facilitate amendments to the approved building plans for two dwelling units on a property already zoned Residential Zone 1: Single Residential. The application does not seek to change

the zoning or introduce a land use that is incompatible with the existing residential character of the area.

The proposed development will be confined to the existing residential erf and will not result in the disturbance of environmentally sensitive or undeveloped land. Furthermore, the proposal is not expected to adversely affect the environmental integrity, ecological functioning, or objectives of the Coastal Protection EMOZ.

The proposal is therefore considered to be consistent with the purpose and intent of the Environmental Management Overlay Zone, which seeks to protect environmentally sensitive areas while allowing appropriate development that can be accommodated without causing unacceptable environmental impacts.

4.3.2. Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The subject property is not located within the HPOZ.

4.3.3. Spatial Planning Policies

The proposal has been assessed against the applicable spatial planning policy framework and is not in conflict with the objectives or principles of the Western Cape Provincial Spatial Development Framework, 2014 or the Overstrand Municipal Spatial Development Framework, 2020.

The application does not seek to introduce a new land use or amend the property's zoning but rather to remove historic restrictive title deed conditions that no longer reflect the current planning framework. The proposed development remains residential in nature, is compatible with the existing character of the surrounding area and will continue to be regulated by the provisions of the OMLUS.

Accordingly, the proposal is considered to be consistent with the applicable spatial planning policies and supports the efficient and appropriate utilisation of residentially zoned land within the existing urban area.

4.4. PLANNING PRINCIPLES

Chapter 2 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA) establishes development principles that must be applied to all land development applications. These principles provide the normative framework for evaluating proposals and guide decision-making to promote spatial justice, spatial sustainability, efficiency, spatial resilience and good administration.

The development principles relevant to the proposed removal of the restrictive title deed conditions are assessed below.

Spatial Justice

The principle of spatial justice seeks to ensure fair and equitable access to land use rights and development opportunities while addressing historical planning practices that unnecessarily restrict the reasonable use of land.

The restrictive title deed conditions limiting the property to one dwelling and a maximum building coverage of 30% were imposed at the time of the establishment of Fisherhaven Township under a planning framework that has since been superseded by contemporary planning legislation. The continued enforcement of these historic restrictions places an



unnecessary limitation on the reasonable development potential of the property despite it being appropriately zoned for residential purposes.

The removal of these conditions will enable the property to be developed in accordance with the applicable provisions of the OMLUS, thereby promoting equitable and consistent application of the current planning framework without conferring development rights beyond those that may be approved by the Municipality.

Spatial Sustainability and Efficiency

The principles of spatial sustainability and efficiency promote the optimal use of existing land, infrastructure and municipal resources while encouraging orderly and efficient patterns of development.

The subject property is situated within an established residential neighbourhood that is already served by the necessary municipal engineering services and transport infrastructure. The proposal makes more efficient use of an existing residential property by allowing the development of two dwelling units without extending the urban footprint or requiring significant additional public infrastructure investment.

The removal of the restrictive title deed conditions will also eliminate duplication between historic title deed controls and the modern development parameters contained in the OMLUS, thereby improving the efficiency and consistency of land use management.

Spatial Resilience

Spatial resilience encourages land use systems that are sufficiently adaptable to respond to changing social, economic and environmental circumstances while maintaining appropriate planning oversight.

The proposed removal of the restrictive title deed conditions will allow the owners to amend the approved building plans to accommodate changing household and economic needs through the provision of a second dwelling unit. The proposal introduces appropriate flexibility in the utilisation of the property while ensuring that all future development remains subject to the applicable municipal planning controls, building plan approval processes and environmental requirements.

Good Administration

The principle of good administration requires that planning decisions be transparent, efficient, consistent and based on the applicable legislative and policy framework. The restrictive title deed conditions represent historic planning controls that pre-date the current statutory planning system. Their continued application unnecessarily duplicates development controls that are already comprehensively regulated through the OMLUS.

The removal of these conditions will ensure that future development of the property is regulated through a single, coherent and contemporary planning framework, thereby promoting administrative efficiency, regulatory certainty and sound land use management in accordance with the objectives of SPLUMA.

5. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66(1)(c) of the OM By-Law is outlined in the table below:

Socio-economic impact	The proposed removal of the restrictive title deed conditions will enable the owners to amend the approved building plans to accommodate two separate dwelling units on the subject property. The proposal will make more efficient use of an existing residential property and provide an opportunity for additional residential accommodation and supplementary rental income. The proposal is not expected to result in any adverse socio-economic impacts and is considered to support the efficient utilisation of residentially zoned land within the existing urban area.
Compatibility with surrounding uses	The subject property is situated within an established residential neighbourhood characterised by single residential development. The proposed development will remain residential in nature and is therefore compatible with the surrounding land uses and zoning pattern. The removal of the restrictive title deed conditions will not introduce an incompatible land use or materially alter the residential character of the area.
Impact on the external engineering services	The subject property is already connected to the existing municipal engineering service networks, including water, sewerage, electricity and stormwater infrastructure. The proposed development represents a modest increase in residential utilisation and is not expected to place an unreasonable demand on the existing engineering services. No upgrading of external municipal infrastructure is anticipated as a result of the proposal.
Impact on safety, health and wellbeing of the surrounding community	The proposed development will remain subject to the requirements of the National Building Regulations, the OMLUS and all other applicable municipal standards. The proposal will not introduce activities that are incompatible with a residential neighbourhood and is therefore not expected to adversely affect the safety, health or wellbeing of the surrounding community.
Impact on heritage	The application relates to the removal of restrictive title deed conditions to facilitate amendments to approved building plans. No known heritage resources will be affected by the proposal, and any development will remain subject to the requirements of the applicable heritage legislation where necessary.
Impact on the biophysical environment	The subject property is located within an existing residential area. The proposal will not extend development beyond the established residential erf or result in unacceptable impacts on the surrounding biophysical environment. Development will continue to be regulated by the applicable provisions of the OMLUS and the Environmental Management Overlay Zone.
Traffic impacts, parking, access and other transport related considerations	Vehicular access to the property will continue to be obtained from Park Road. Adequate on-site parking will be provided in accordance with the requirements of the OMLUS, comprising two parking bays for the primary dwelling and one parking bay for the second dwelling. The proposal is expected to generate only a modest increase in vehicle movements and is not anticipated to adversely affect the surrounding road network or traffic operations.

Impact on views, sunlight and character of the area

The proposal will facilitate the construction of two dwelling units on a property zoned for residential purposes. The development will remain subject to the applicable municipal development parameters, including building lines, height restrictions and all other provisions

of the OMLUS. The proposed development is compatible with the scale and character of the surrounding residential area and is not expected to result in unreasonable impacts on neighbouring properties in respect of views, sunlight or visual amenity.

Economic impact

The proposal will have a positive economic impact by enabling further investment in the property and allowing the owners to generate supplementary rental income through the provision of a second dwelling unit. The development will also contribute, albeit modestly, to the supply of residential accommodation within the existing urban area without requiring significant additional public infrastructure investment.

Opportunity cost

In the context of land use planning, opportunity cost refers to the potential loss or diminution of development rights or benefits experienced by interested and affected parties because of an approval. The proposed removal of the restrictive title deed conditions will not prejudice neighbouring properties or diminish any existing land use rights. The proposal is therefore not expected to result in any material opportunity cost to surrounding property owners or the broader community.

6. CONCLUSION

This application seeks the removal of restrictive title deed Conditions E.4(b) and E.4(c) contained in the Title Deed. These conditions restrict the development of the property to the erection of a single dwelling and limit building coverage to 30% of the erf area. While these restrictions served a planning purpose at the time of the establishment of Fisherhaven Township, they no longer reflect the contemporary planning framework applicable to the property.

The owners wish to amend the previously approved building plans to accommodate two separate dwelling units, thereby enabling a more efficient utilisation of the property while creating an opportunity to generate supplementary rental income. The proposed development remains residential in nature and will continue to be regulated by the provisions of the OMLUS and all other applicable municipal legislation and development controls.

The application has been assessed against the applicable provisions of SPLUMA, LUPA, the Overstrand Municipal Spatial Development Framework, 2020, and the OMLUS. Furthermore, all relevant planning considerations, including engineering services, environmental constraints, traffic, parking, neighbourhood character, heritage, visual amenity, and socio-economic impacts, have been evaluated. No unacceptable planning or environmental impacts have been identified.

The proposal promotes the efficient utilisation of an existing residential property, aligns with the objectives of the current planning framework, and removes outdated title deed restrictions that duplicate modern statutory planning controls. It is therefore considered to be desirable, consistent with sound planning principles, and in the public interest.

7. RECOMMENDATION

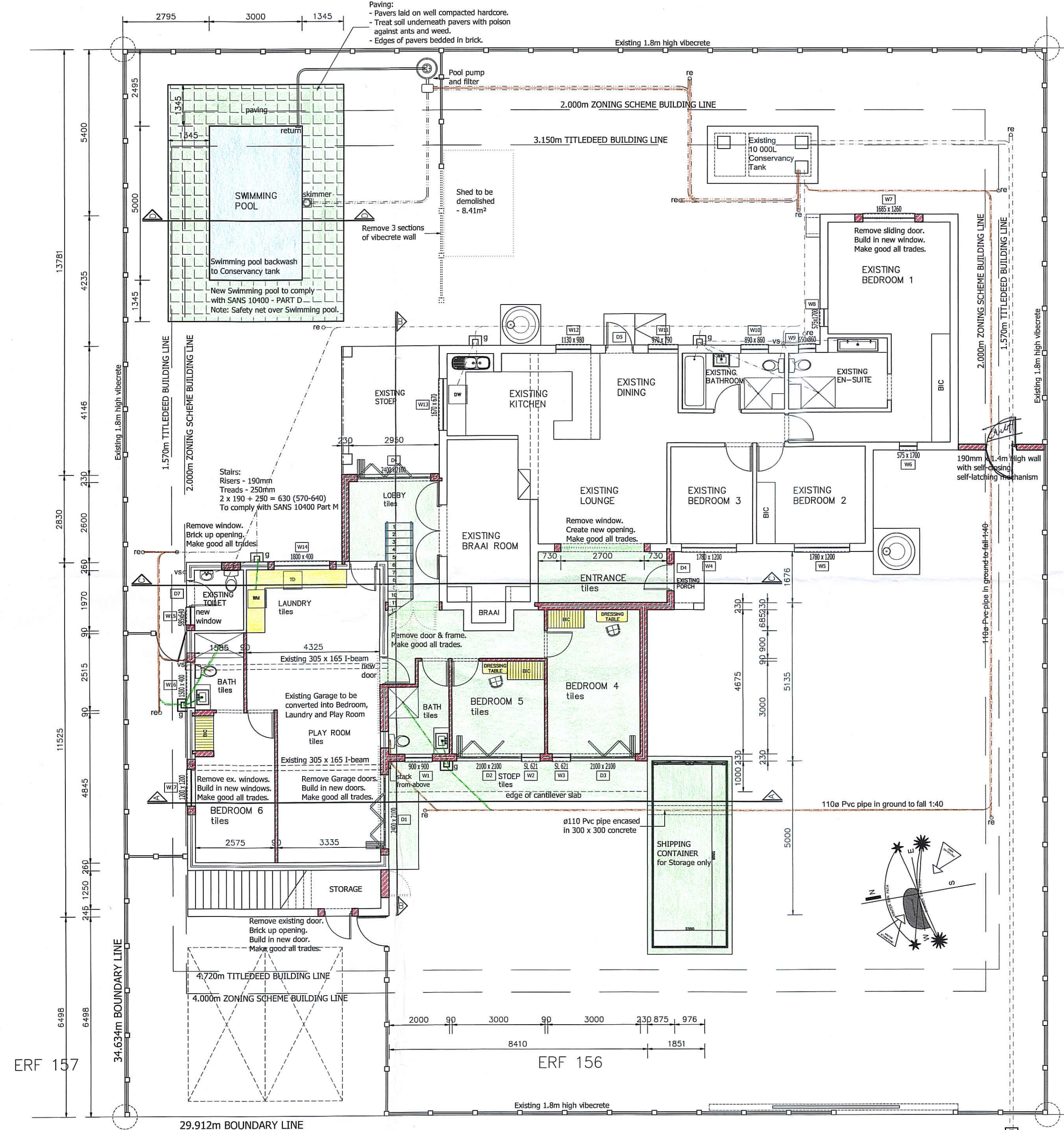
Based on the motivation, it is recommended that the following be approved:

- **Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020.

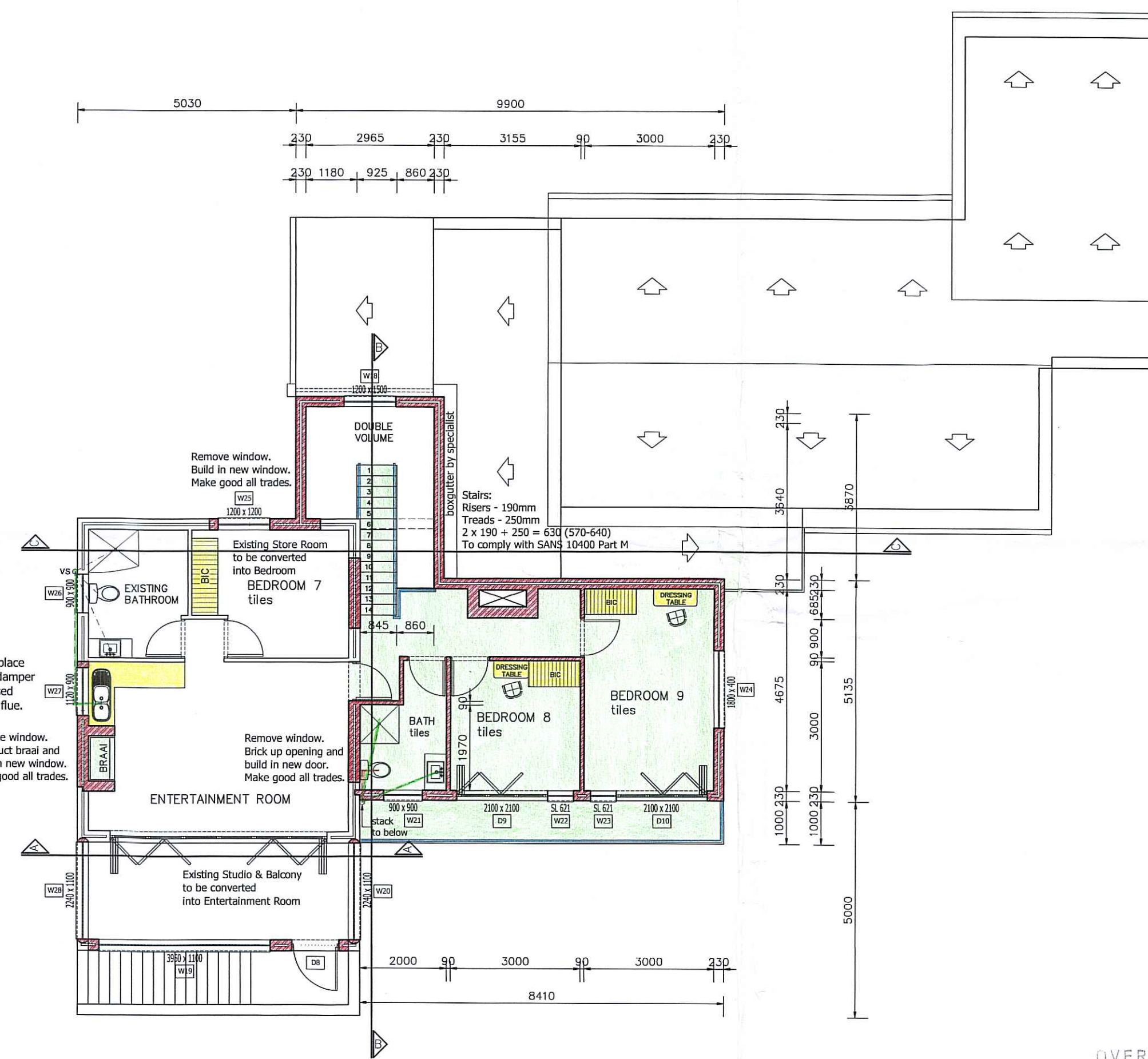
ERF 148

ERF 149

ERF 150



Site- & Ground Storey Plan
Scale - 1:100



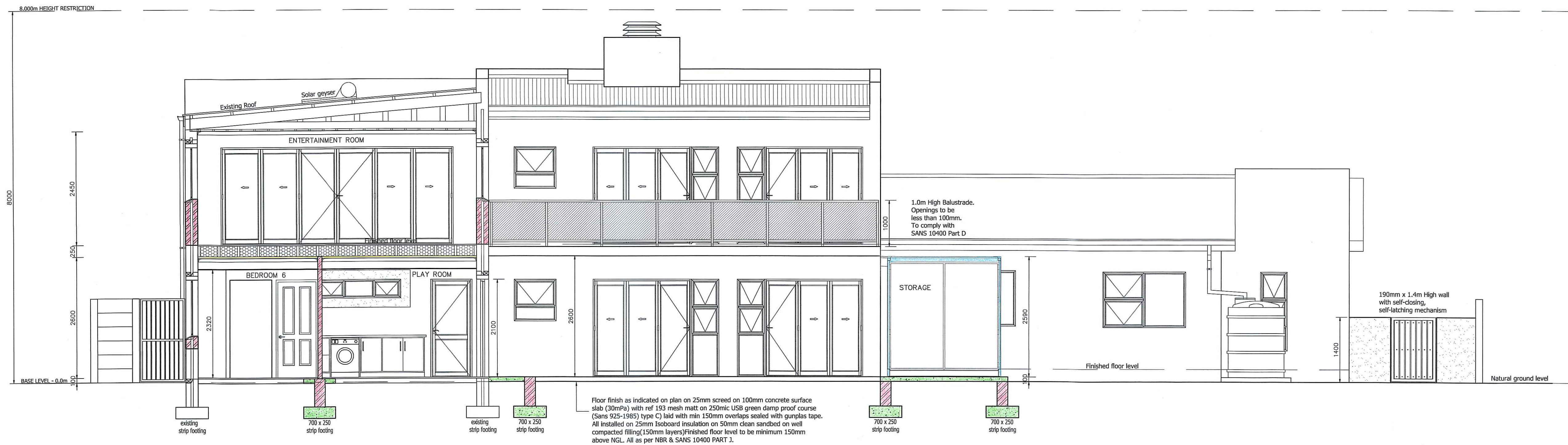
First Storey Plan
Scale - 1:100

Occupation Certificate Conditions:-
1) CONTAINER TO BE CLAD AS PER OVERSTRAND MUNICIPAL GUIDELINES.
2) MAY ONLY BE UTILIZED AS A SINGLE DWELLING FOR A SINGLE FAMILY.

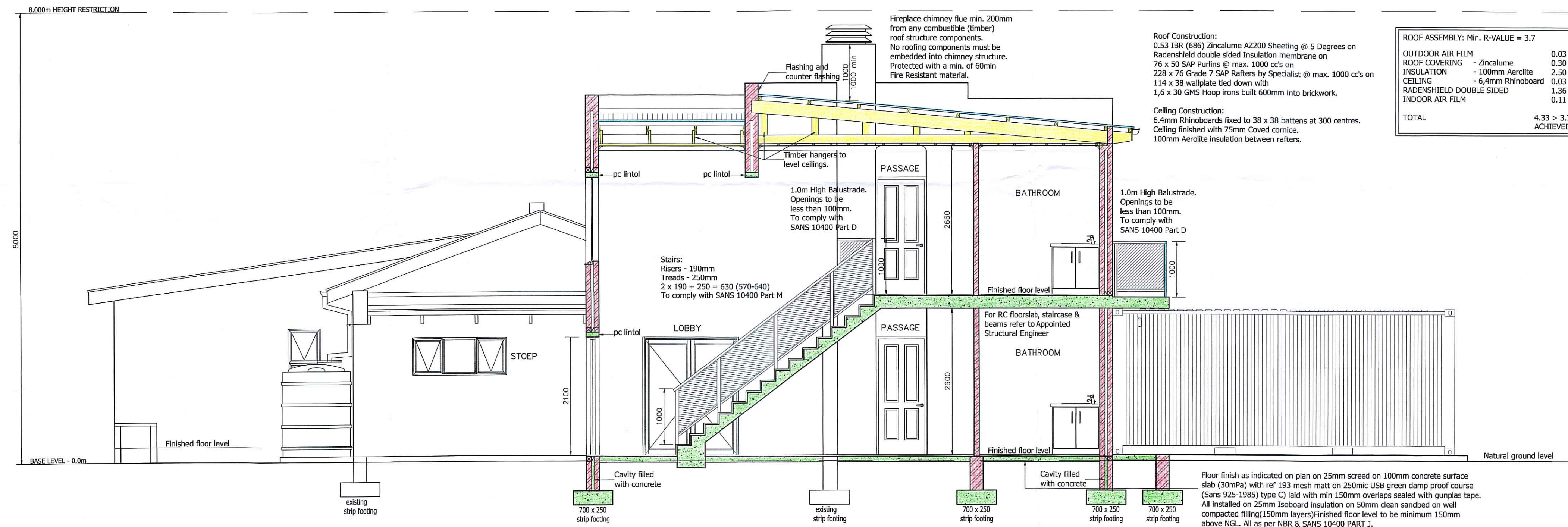
AREAS	
EXISTING GROUND STOREY	224.63 m²
(Inc. Converted Garage and Porch)	
COVERED PORCH	1.86 m²
COVERED STOEP	13.18 m²
STORAGE CONTAINER	14.76 m²
ADDITION TO GROUND STOREY	40.14 m²
NEW STOEP	8.41 m²
GROUND STOREY TOTAL	302.98 m²
EXISTING FIRST STOREY	65.40 m²
ADDITION TO FIRST STOREY	42.46 m²
OPEN BALCONY	8.41 m²
TOTAL	410.84 m²
ERF	1036.00 m²
COVERAGE	29.2 %

PROJECT PROPOSED ADDITION ON ERF 150 36 PARK ROAD FISHERHAVEN	
CLIENT M.D. & A. RUST	
DRAWN C.F. Geldenhuys FINELINE DRAFTING P.O. BOX 517 CALEDON 7230 C.GELDENHUYS - 082 836 8631 SACAP - PID : 20718	SITE- & FLOOR PLANS COUNCIL SUBMISSION DATE: 26 MAY 2025 1589/2025-03-01/04-02/04

OVERSTRAND MUNICIPALITY
Building Plan No. 50834
Is recommended for approval in terms of the National Building Regulations and Building Standards Act No. 103 of 1977 and all other applicable laws by the Building Control Officer.
Date: 11 JUN 2025
Approved in terms of the National Building Regulations and Building Standards Act No. 103 of 1977 and all other applicable laws by the Building Control Officer.
Date: 11 JUN 2025

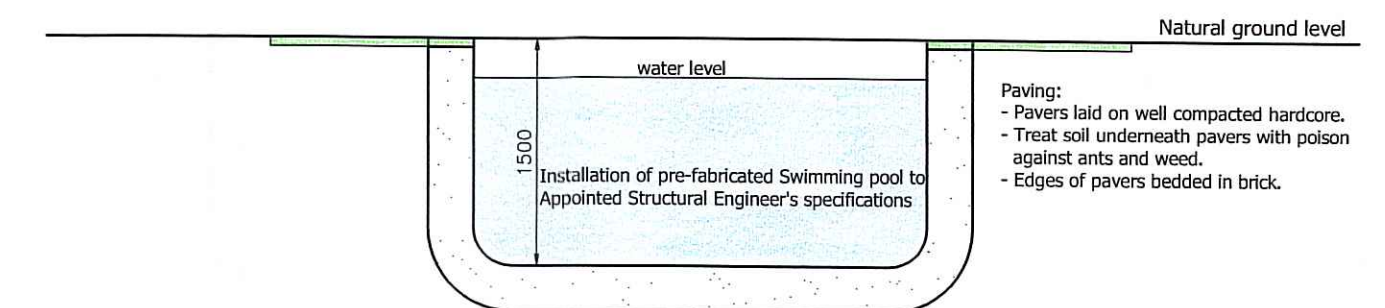


Section A-A
Scale - 1:50



Section B-B
Scale - 1:50

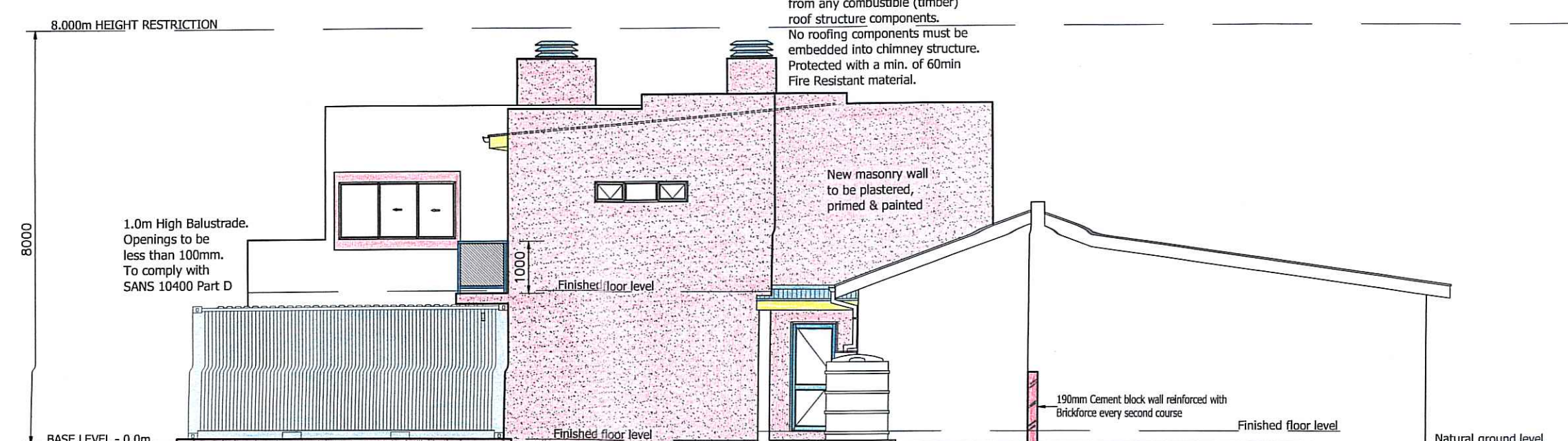
ROOF ASSEMBLY: Min. R-VALUE = 3.7	
OUTDOOR AIR FILM	0.03
ROOF COVERING - Zincalume	0.30
INSULATION - 100mm Aerolite	2.50
CEILING - 6.4mm Rhinoboard	0.03
RADENSHIELD DOUBLE SIDED	1.36
INDOOR AIR FILM	0.11
TOTAL	4.33 > 3.7
	ACHIEVED



Section D-D
Scale - 1:50

FOR APPROVAL
CONDITIONS
SEE SITE PLAN

OVERSTRAND MUNICIPALITY
Building Plan No. 56834 is recommended for approval in terms of the National Building Regulations and Building Standards Act No. 103 of 1977 and all other applicable laws by the Building Control Officer.
Date: 11 JUN 2025
Approved in terms of the National Building Regulations and Building Standards Act No. 103 of 1977 and all other applicable laws by the Manager, Building Control
Date: 11 JUN 2025



South Elevation - 1:100



North Elevation - 1:100

PROJECT	
PROPOSED ADDITION ON ERF 156 36 PARK ROAD FISHERHAVEN	
CLIENT	
M.D. & A. RUST	
C. F. Geldenhuys FINELINE DRAFTING	
R.D. BEN 517 CALESON 7230 C.GELDENHUYS - 082 836 8631 SACAP - PHD - 20718	
SECTIONS & ELEVATIONS COUNCIL SUBMISSION	
CHECKED DATE 26 MAY 2025	DRAWN DATE 26 MAY 2025

