OVERSTRAND MUNICIPALITY

ERF 2818, 10 DUINEGANS STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF NJ AND MW HOUGH

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 the following applications applicable to Erf 2818, Gansbaai, namely:

Removal of restrictive title deed condition
Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition B.A.(a) as contained in Title Deed T31848/2023 to accommodate a proposed garage.

Departures
Application in terms of Section 16(2)(b) of the By-Law in order to:

- relax the street building line from 4m to 2,5m to accommodate the proposed extended garage;
- relax the rear building line from 2m to 0m and 0,2m respectively to accommodate the existing braai area;

Determination of an Administrative penalty
Application in terms of Section 16(2)(q) of the By-Law to accommodate the existing encroachments on the property.

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, Gansbaai Library, Main Road, Gansbaai 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 **11 December 2026**, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to **Mr SW van der Merwe** 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.

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.

OVERSTRAND MUNISIPALITEIT

ERF 2818, 10 DUINEGANSSTRAAT, GANSBAAI, OVERSTRAND MUNISIPALE AREA: AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDE, AFWYKING EN BEPALING VAN ADMINISTRATIEWE BOETE: WRAP PROJECT OFFICE NAMENS NJ EN MW HOUGH

Kragtens Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die volgende aansoeke van toepassing op Erf 2818, Gansbaai, naamlik:

Opheffing van beperkende titelaktevoorwaarde
Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaarde B.A.(a) soos vervat in Titelakte T31848/2023 om die voorgestelde motorhuis te akkommodeer.

Afwyking
Aansoek in gevolge Artikel 16(2)(b) van die Verordening ten einde die:

- straatboulyn van 4m na 2,5m te verslap om die voorgestelde motorhuis te akkommodeer;
- agterboulyn vanaf 2m na 0m en 0,2m onderskeidelik te verslap om die bestaande braai area te akkommodeer

Bepaling van Administratiewe boete
Aansoek in gevolge Artikel 16(2)(q) van die Verordening om die bestaande oorskrydings op die eiendom te akkommodeer.

Besonderhede aangaande die voorstel lê ter insae gedurende weeksdae tussen 08:00 en 16:30 by die Afdeling: Stads- en Streekbeplanning te Patersonstraat 16, Hermanus, Gansbaai Biblioteek, Hoofweg, Gansbaai 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 **11 Desember 2026**, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Mr SW van der Merwe** 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.

U aandag word gevestig op die Bepalinge van die "POPI" Wet, en aangesien u opmerking deel sal uitmaak van 'n openbare deelname proses, u derhalwe toestem dat u naam, van, kontakbesonderhede en kommentaar(e) openbaar gemaak mag word.

UMASIPALA WASE-OVERSTRAND

ISIZA 2818, 10 DUINEGANS STREET, GANSBAAI INDAWO KAMASIPALA YASE-OVERSTRAND: ISICELO SOKUSUSWA KWEEMEKO EZITHINTELAYO KWITAYITILE YOBUNINI, SOKUTENXA KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: WRAP PROJECT OFFICE EGAMENI LIKA NJ KUNYE MW HOUGH

Isaziso siyanikezelwa ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala oLungisiweyo kaMasipala waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) kwezi zicelo zilandelayo zisebenza kwiSiza-2818, Gansbaai, ezizezi:

Sokususwa kweemeko ezithintelayo kwitayitile yobunini
Isicelo ngokweCandelo le-16 (2)(f) loMthetho kaMasipala wokususwa kwemiqathango yetayitile ethintelayo B.A.(a) njengoko kuqulethwe kwiSiqendu seSihlokwana T31848/2023 ukwenzela indawo yegaraji ecetywayo.

Ukutenxa
Isicelo ngokweCandelo 16.2(b) loMthetho kaMasipala ukuze:

- ukuguqula umda wokwakha kwicala lesitalato ukususka kwi-4m ukuya kwi-2,5m ukuze kuvumeleke ukwandiswa kwegaraji ecetywayo;
- ukuguqula umda wokwakha kwicala elingasemva ukususka kwi-2m ukuya kwi-0m nakwi-0,2m ngokulandelelana, ukuze kuhlaliswe indawo yokosa (i-braai) esele ikho.

Ukumiselwa kwesohlwayo solawulo
Isicelo ngokwemigaqo yeCandelo 16(2)(q) loMthetho kaMasipala ukulungiselela ungenelelo olukhoyo kwipropati.

Iinkcukacha ezipheleleyo mayela noku kucetywayo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi ko-08:00 no-16:30 kwiSebe: Town and Spatial Planning, 16 Paterson Street, Hermanus, kwiThala leeNcwadi laseGansbaai, Main Road, Gansbaai nakwiwebhusayithi kamasipala kule linki ilandelayo https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/

Naziphi na izimvo mazibhalwe zize zingeniswe kuMasipala (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) ngomhla okanye ngaphambi komhla **11 uZibandlela 2026,** ubhale igama lakho, idilesi yakho kunye nomdla kwisicelo nesizathu sokuhlomla kwakho. Imibuzo ngefowuni ingabuzwa **Mnu. SW van der Merwe** ku 028-3138900. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwaziyo ukufunda okanye ukubhala angatyelela iSebe: Town and Spatial Planning. Igosa likamasipala liya kumnceda akwazi ukufaka izimvo zakhe.

Nceda uphawule ukUba ngokumayela noMthetho Wokukhuselwa kweNkcazelo yoBuqu (POPIA), uza kungena kwinkqubo yokuthatha inxaxheba koluntu ibe ngenxa yoko uyavuma ukuba igama, ifani yakho, iinkcukacha zakho zoqhagamshelwano namagqabaza akho angadizwa / asetyenziswa kwinkqubo (yokufaka isicelo).

EW JANTJIES
Acting Municipal Manager / Waarnemende Munisipale Bestuurder / Umphathi Kamasipala
PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200

Notice no. / Kennisgewing nr. / Inothisi yeNomb: 224/2026



OVERSTRAND MUNICIPALITY

Locality Plan, Erf 2818, Gansbaai

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Date: 2026/07/01

1. PROPERTY DETAILS

Erf Number	Erf 2818 Gansbaai
Extent	525m²
Title Deed	T31848/2023
Zoning	Residential Zone 1: Single Residential

2. EXECUTIVE SUMMARY

The subject property, Erf 2818 Gansbaai, is situated at 10 Duinegans Street, Perlemoenbaai, Gansbaai. The location of the property is illustrated in **Plan 1: Locality Plan**.

The property is zoned Residential Zone 1: Single Residential in terms of the Overstrand Municipal Land Use Scheme and is developed with an existing single residential dwelling. The current owners acquired the property in 2023 and have since undertaken various improvements to maintain and enhance the property. As their family's needs have evolved, they have identified several additional improvements and alterations to the existing dwelling in order to provide improved living accommodation and better utilise the property.

The proposed additions are intended solely to enhance the functionality and liveability of the existing dwelling and do not introduce any additional dwelling units or non-residential land uses. The residential use of the property will therefore remain unchanged and consistent with the zoning of the property as well as the established residential character of the surrounding neighbourhood.

The proposed development has been carefully designed to integrate with the existing improvements on the property while respecting the scale and character of the surrounding residential area. The application seeks to regularise and obtain approval for the proposed improvements, as certain aspects of the development do not fully comply with the applicable development parameters of the Overstrand Municipal Land Use Scheme (OMLUS). The identified departures are limited in extent and relate solely to the proposed additions to the existing dwelling. No change in land use or increase in residential density is proposed.

3. PROCEDURE TO ACHIEVE THE PROPERTY OWNERS' INTENT

WRAP compiled this report to ensure that the property owners' requirements are met. The following is proposed:

3.1. Removal of restrictive title deed conditions to allow the proposed garage extension:

As previously indicated, in order to lawfully allow the owner to add an extension to their garage, certain restrictive conditions contained in the title deed require removal to allow this. These conditions were originally imposed by the Administrator in terms of the provisions of Ordinance 33 of 1934 at the time of the establishment of the township.

The relevant restrictive title deed conditions are quoted below:

"B.	*SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No. T21 32011946, imposed by the Administrator of the Cape Province during the approval of Gansbaai Township Extension No. 2, namely:*
A.	*As being in favour of the registered owner of any erf in the Township and subject to amendment or alteration by the Administrator under the provisions of Section 18(3) of Ordinance No. 33 of 1934:*
"(a) That no building 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."	

Sub-condition (a) expressly prohibits the erection of any building, structure or portion thereof closer than 4.72 m to the street boundary of the property, with the exception of boundary walls and fences.

The proposed garage extension is situated within this restricted building setback and therefore triggers the restrictive title deed condition. As a result, the proposed development cannot be lawfully approved while this condition remains registered against the title deed.

Accordingly, this application includes a request for the removal of Sub-condition (a) to the extent necessary to permit the proposed garage extension within the required setback area. The planning merits and motivation for the removal of the restrictive title deed condition are set out below.

Motivation for the removal of conditions B.A.(a)
Status quo
The restrictive title deed condition was imposed during the establishment of Gansbaai Township Extension No. 2 to regulate the siting of buildings in relation to the street boundary and to protect the residential character and appearance of the township. Since the establishment of the township, the planning framework applicable to the property has evolved considerably. The OMLUS now provides a comprehensive set of development parameters that regulate building lines, coverage, height, land use, parking and other development controls applicable to all properties within the municipal area. These provisions fulfil the same planning purpose as the historic title deed restrictions in a consistent and uniform manner. As a result, the continued application of the restrictive title deed condition, together with the provisions of the OMLUS, creates an unnecessary duplication of development controls.
Rationale for the Proposed Removal
Title Deed Condition B.A.(a) prohibits the erection of any building or structure closer than 4.72 metres from the street boundary. The proposed garage extension encroaches into this restricted setback and therefore cannot be approved while the condition remains registered against the title deed. The removal of Condition B.A.(a) is sought only to the extent necessary to accommodate the proposed garage extension. The application does not seek to remove any other

restrictive title deed conditions, nor does it seek to change the zoning or permitted land use of the property. The property will remain zoned Residential Zone 1: Single Residential and will continue to be utilised as a single residential dwelling.

The proposed garage extension is a reasonable improvement to an existing dwelling that responds to the owners' need for secure parking and improved functionality. The extension has been designed to integrate with the existing dwelling and remains compatible with the established residential character of the surrounding neighbourhood.

Importantly, the removal of the restrictive title deed condition will not result in uncontrolled or excessive development. The proposed development will remain subject to the provisions of the OMLUS, including the approved permanent departure from the street building line, as well as all applicable development parameters and building plan approval requirements.

The removal of Condition B.A.(a) will therefore align the title deed with the current statutory planning framework and enable a reasonable residential improvement without undermining the character, amenity or orderly development of the surrounding area.

In terms of the requirements of LUPA, the table below address the removal of the restrictive title deed conditions B.A.(a) in terms of Section 39(5)(a-f):

LUPA, Section 39(5) (a-f)		
(a)	*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;*	The restrictive title deed condition was imposed during the original township establishment process to regulate the position of buildings in relation to the street boundary. While the condition afforded beneficiaries a measure of protection regarding the form of development within the township, these planning objectives are now comprehensively regulated through the OMLUS and the By-law. The rights enjoyed by beneficiaries therefore have limited independent value, as the same development controls continue to apply through the current statutory planning framework.
(b)	*the personal benefits which accrue to the holder of rights in terms of the restrictive condition;*	The primary benefit enjoyed by neighbouring property owners is the assurance that development within the area occurs in an orderly manner and remains compatible with the residential character of the neighbourhood. The removal of the restrictive title deed condition will not remove these protections. The proposed development remains subject to municipal approval, the provisions of the OMLUS, and the applicable development

		parameters, including the permanent departure application considered as part of this proposal.
(c)	*the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended;*	The removal of Restrictive Title Deed Condition B.A(a) will enable the owner to construct the proposed garage extension in a lawful manner. The extension will provide secure parking for the owners' vehicles and caravan, improve the functionality of the existing dwelling, and better accommodate the needs of the household. The removal of the condition will therefore allow the owner to make a reasonable improvement to an existing single residential property without changing the land use or increasing the residential density.
(d)	*the social benefit of the restrictive condition remaining in place in its existing form;*	There is limited social benefit in retaining the restrictive title deed condition in its current form. The purpose for which it was originally imposed is now adequately addressed through the Municipality's contemporary planning framework, which regulates building lines, site coverage, height and other development controls. Retaining the condition would duplicate existing planning controls without providing any additional public planning benefit.
(e)	*the social benefit of the removal, suspension or amendment of the restrictive condition; and*	
(f)	*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.*	The proposed removal will not completely remove the rights enjoyed by the beneficiaries of the restrictive condition. It will remove only the restriction relating to the street building line to the extent necessary to accommodate the proposed garage extension. All other applicable planning controls and statutory protections will remain in force through the Overstrand Municipal Planning By-law, the Overstrand Municipal Land Use Scheme and the building plan approval process. Neighbouring property owners will therefore continue to be protected against inappropriate or undesirable development through the existing planning framework.

The proposed removal of Restrictive Title Deed Condition B.A(a) is reasonable and desirable in terms of Section 39(5) of LUPA. It will enable a minor and appropriate improvement to an existing single residential dwelling while ensuring that development remains subject to the provisions of the Overstrand Municipal Land Use Scheme and all other applicable planning legislation. The removal will not prejudice the rights of neighbouring property owners or undermine the residential character, amenity or orderly development of the area.

3.2 Permanent Departure from the 4m Street building line to 2.5m to accommodate the proposed garage addition;

The property is currently improved with an existing single residential dwelling and a shade-net carport positioned in front of the dwelling. While the existing carport provides covered parking, it does not adequately meet the owners' needs for secure and weather-protected parking. The owners therefore wish to extend the existing garage to provide sufficient secure parking for their family's vehicles and caravan.

The existing shade-net carport offers only limited protection against the elements and does not provide the level of security associated with an enclosed garage. Given the coastal location of the property, the proposed garage extension will provide improved protection against adverse weather conditions, while also creating additional storage space for household and recreational equipment. The proposal represents a practical enhancement to the existing dwelling and responds to the evolving needs of the owners without altering the residential use of the property.

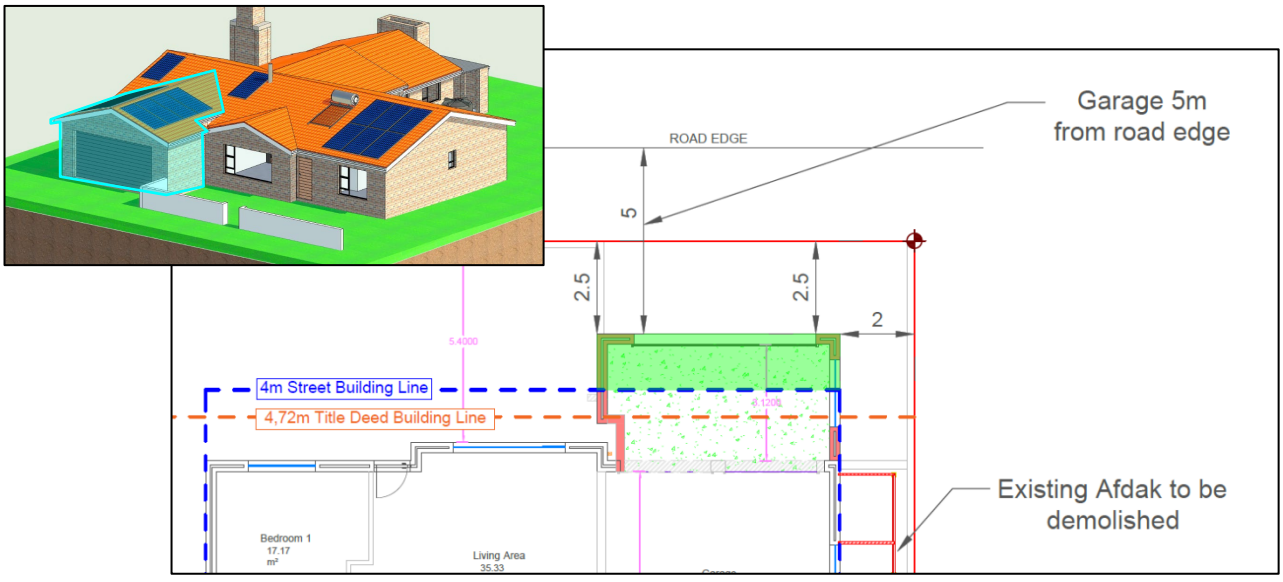


Figure 1 – Proposed garage extension

The proposed garage extension has been carefully positioned to maximise the functionality of the property while maintaining an attractive streetscape. Although a reduced street building line is proposed, the garage will remain visually open towards the street. No additional entrance gates, boundary walls or other structures are proposed in front of the garage that would create a visual barrier or obstruct sightlines. The development will therefore retain an open appearance and will not create an imposing street frontage or negatively affect the character of Duinegans Street.

The proposed relaxation is limited to the garage extension only and does not result in any interference with existing municipal services. The surrounding area is characterised by established single residential properties with a variety of building setbacks, garages and carports. The proposed departure is therefore not considered to be out of character with the existing residential environment. The garage extension has been designed to complement the scale, form and architectural character of the existing dwelling and will not result in any significant adverse impact on neighbouring properties in terms of visual amenity, privacy, overshadowing or access to sunlight. Importantly, the proposal does not introduce any additional dwelling units, increase the residential density or alter the existing residential use of the property.

It is therefore submitted that the proposed departure of the street building line is reasonable and desirable, represents sound planning, and will not give rise to any unacceptable planning or environmental impacts. The departure will enable the owners to improve the functionality of their property while maintaining the established residential character and visual quality of the surrounding neighbourhood.

3.3 Permanent Departure from the 2m rear building line to 0m & 0,2m to accommodate an existing covered braai area;

The owners constructed a covered braai area as an extension of the existing dwelling to create a functional outdoor entertainment space that is directly connected to the dining area. The addition improves the overall layout and functionality of the dwelling by creating a seamless transition between the indoor and outdoor living areas, thereby enhancing the everyday use and enjoyment of the property.

The braai area is positioned at the rear of the property to maximise privacy and minimise its visibility from the public street. The rear wall of the structure is enclosed, which provides several practical and planning benefits. The enclosed wall creates a greater degree of privacy for both the owners and adjoining neighbours, while also serving as a barrier that assists in containing noise generated during normal residential entertaining activities. In addition, the enclosed design provides improved protection against prevailing winds, making the space more comfortable and usable throughout the year. Both sides of the braai area remain open, and the structure functions as a covered stoep rather than a fully enclosed room.

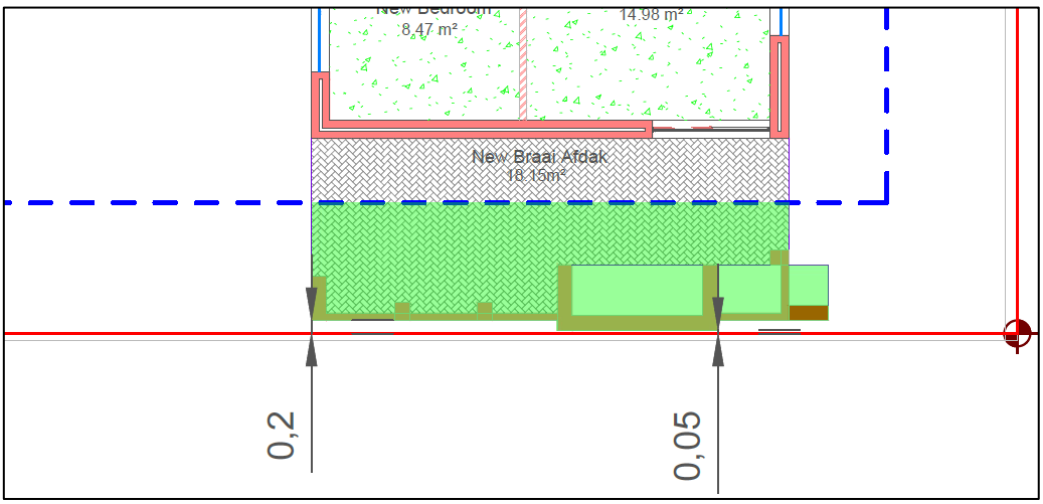


Figure 2 –Location of the covered braai area

The braai area remains ancillary to the primary dwelling and does not introduce an additional dwelling unit or any non-residential land use. The departure is limited to the rear portion of the property, where it has little visual impact on the surrounding streetscape. The scale and design of the addition are compatible with the existing dwelling and the established residential character of the neighbourhood.

The relaxation of the rear building line is not expected to result in any significant adverse impact on adjoining properties. The enclosed rear wall reduces direct views towards neighbouring properties, thereby enhancing privacy, while the positioning of the structure at the rear of the erf ensures that it does not affect access, traffic circulation or municipal services. The existing braai area also makes more efficient use of the property by utilising an area of the erf associated with outdoor living, without increasing the residential density or changing the approved land use.

The covered braai area represents a common residential amenity that is compatible with the intended use of the property and contributes to the long-term functionality and value of the dwelling. It is therefore submitted that the relaxation of the rear building line is reasonable and desirable, will not give rise to unacceptable planning impacts, and can be supported on sound planning grounds.

3.4 Determination of an administrative penalty in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

In order to ensure full compliance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, this application includes a request for the determination of an administrative penalty in respect of the existing covered braai area, which was constructed without the necessary land use approval.

The owners respectfully request that the Municipality consider waiving the administrative penalty. This request is motivated by the following:

- the unauthorised structure is minor in nature and comprises an ancillary covered braai area associated with the existing single residential dwelling;
- the structure was erected without any intention to circumvent the statutory planning process;
- upon becoming aware that the covered braai area required land use approval, the owners voluntarily initiated this application to regularise the structure and ensure that the property complies with the applicable planning legislation;
- the owners have acted in good faith by appointing the necessary planning professionals, preparing the required documentation and submitting the appropriate application to the Municipality; and
- the existing covered braai area has not resulted in any demonstrable prejudice to neighbouring properties, municipal infrastructure or the public interest.

The owners have taken proactive steps to rectify the non-compliance and have demonstrated a genuine commitment to bringing the property into full compliance with the requirements of the Overstrand Municipality. The submission of this application reflects their willingness to regularise the existing structure through the appropriate statutory planning process rather than allowing the contravention to remain unresolved.

In light of the above, it is respectfully submitted that the circumstances warrant favourable consideration and that the Municipality exercise its discretion to waive, or where deemed appropriate, reduce the administrative penalty.

Section 90(3) of the By-law requires the following information:

The nature, duration, gravity and extent of the contravention
Section 3.3 of this report identifies the existing covered braai area as the structure that was constructed without the necessary land use approval. The contravention relates to an encroachment over the prescribed rear building line and the construction of the covered braai area without the required planning approval.

Existing braai area	±14m²

The conduct of the person (allegedly) involved in the contravention
The current owner was not aware of the unlawful conduct. Upon becoming aware of the irregularities, the owner immediately took steps to regularise the matter by appointing WRAP Project Office to submit the necessary land use application. The owner has therefore acted responsibly and transparently throughout the process.

A report by a quantity surveyor in matters of unauthorised building/construction
Given the limited scale of the historic encroachments, the appointment of a quantity surveyor was not necessary. The contravention relates to a minor ancillary residential structure and the regularisation of a building line encroachment, rather than extensive unauthorised building works.

Whether the unlawful conduct was stopped
The covered braai area has already been constructed, and no further unauthorised building work is being undertaken. The owners have not continued with any additional unauthorised development and have instead initiated the appropriate statutory process to regularise the existing structure.

Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law.
To the knowledge of this office, the current owner did not take part in any other contraventions.

4. LAND USE ENVIRONMENT

The subject property is located in Gansbaai, and the property is surrounded by other Residential Zone 1: Single Residential properties and Public Streets. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

5. ZONING

The following zoning parameters were assessed in conjunction with the SR1 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law.

The primary use of the property as a dwelling house is permitted within the SR1 zoning. No additional dwelling units or intensified land uses are currently proposed.

Residential Zone 1: Single Residential – Development parameters			
	Allowed	**Proposed**	
Coverage	50%	49.23%	**Deviate, applied for and motivated.**
Building lines	Street building line = 4m Side and rear building lines = 2m	Refer to Sections 3.2 & 3.3	**Deviate, applied for and motivated.**
Height	8,0 m.	-	Comply
Parking	Dwelling Unit: 2 Parking bays	Double Garage	Comply

6. SERVICES

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

Electricity, Water, Sewage and Solid Waste

The availability of municipal services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is addressed below. The subject property is connected to existing municipal service networks in the area, including electricity, water, and sewerage. The proposal does not introduce any additional development rights or intensity of use and is therefore not anticipated to place any additional demand on existing municipal services. Solid waste collection is provided on a weekly basis by the Overstrand Municipality.

Access and Egress

Access to and egress from the property are obtained from Duinegans Street, which is an existing public road servicing the surrounding residential area.

7. 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 can be illustrated as follow:

Need and desirability.

The need for this land use application arises from the requirement to address all applicable land use provisions and to ensure that the property complies fully with municipal regulations while meeting the functional needs of the property owner. The application therefore serves both a regulatory and practical purpose, enabling the lawful regularisation of existing structures and facilitating the owner's intended improvements to the property.

Socio-economic impact	The proposed development is not expected to have any adverse socio-economic impacts. The application relates solely to improvements and additions to an existing single residential dwelling to better accommodate the needs of the owners and their family. The proposal does not introduce a new land use or increase the residential density of the property. During construction, the development may provide limited short-term employment opportunities for local contractors and suppliers. In

	the long term, the improvements will contribute to the ongoing maintenance and enhancement of the residential property, thereby supporting the quality and value of the surrounding neighbourhood.
Compatibility with surrounding uses	The proposed additions are fully compatible with the existing and surrounding land uses. The property will continue to be utilised as a single residential dwelling in accordance with its zoning. The proposed garage extension, lean-to roof, dining room and covered braai area are all typical ancillary structures commonly associated with single residential properties and are consistent with the established character of the surrounding residential area. The proposal does not introduce any activities that would conflict with neighbouring properties or alter the residential nature of the area.
Impact on the external engineering services	The proposed additions are not expected to place any additional demand on municipal engineering services or infrastructure. No additional dwelling units are proposed, and the residential use of the property will remain unchanged. Existing water, sewerage, electricity and stormwater services are considered adequate to accommodate the proposed improvements, and no upgrades to municipal infrastructure will be required as a result of the application.
Impact on safety, health and wellbeing of the surrounding community	The proposal is not expected to negatively affect the safety, health or wellbeing of the surrounding community. The additions are of a domestic nature and are intended to improve the functionality and safety of the existing dwelling. The garage extension will provide secure parking for vehicles and a caravan, while the covered braai area has been designed with an enclosed rear wall that enhances privacy and assists in reducing the transmission of noise to neighbouring properties. The development will continue to comply with the applicable building standards and municipal requirements.
Impact on heritage	The proposed additions are not expected to have any adverse impact on heritage resources or the cultural significance of the area. The application relates to alterations and additions to an existing dwelling on a developed residential erf and does not involve the demolition of heritage resources or development that would negatively affect the heritage character of the surrounding area.
Impact on the biophysical environment	The proposed development is not expected to result in any significant impact on the biophysical environment. The additions are limited in extent and will be accommodated within an already developed residential property. No sensitive natural vegetation, watercourses or environmentally significant areas will be affected by the proposal. The increase in site coverage will not materially alter the environmental performance of the property, and adequate outdoor space will remain available.
Traffic impacts, parking, access and	The proposal will not generate any additional traffic or place increased pressure on the surrounding road network, as the

other transport related considerations	property will continue to function as a single residential dwelling. Existing vehicular access from Duinegans Street will remain unchanged. The proposed garage extension will improve on-site parking by providing secure accommodation for the owners' vehicles and caravan, thereby reducing the need for on-street parking. Adequate manoeuvring space will remain available within the property to ensure safe vehicle access and egress, and the proposal is not expected to give rise to any adverse transport-related impacts.

Impact on views, sunlight and character of the area

The proposed additions are not expected to result in any significant adverse impact on views, access to sunlight or the overall character of the surrounding area. The development consists of modest additions to an existing single residential dwelling, including a garage extension, ancillary lean-to roof, dining room extension and covered braai area, all of which are typical features associated with residential properties.

The proposed structures are domestic in scale and have been designed to integrate with the existing dwelling, ensuring that the visual appearance of the property remains consistent with the established residential character of the neighbourhood. Although departures from the prescribed building lines are sought, these relate to practical residential improvements and do not create excessive building bulk or massing that would be out of keeping with the surrounding built environment.

The garage extension is positioned towards the street frontage in a manner that maintains an open streetscape, with no gates or solid boundary walls proposed in front of the garage that would create a visually dominant street edge. Similarly, the covered braai area is located at the rear of the property, where it has limited visibility from the public realm and is designed to enhance the functionality of the dwelling while maintaining privacy.

The proposed additions are not expected to result in any material loss of sunlight to adjoining properties. The structures are limited in extent and remain compatible with the scale of surrounding residential development. Furthermore, the enclosed rear wall of the covered braai area contributes positively by improving privacy for both the owners and neighbouring properties while assisting in reducing the transmission of noise during normal residential use.

Overall, the proposal represents a logical and sympathetic enhancement to an existing single residential property. It respects the established character of the area, maintains the residential amenity enjoyed by neighbouring properties and will not give rise to any unacceptable visual or environmental impacts. The development is therefore considered compatible with the existing built environment and supportive of the orderly and desirable development of the area.

Economic impact

The proposal is not expected to generate any short- or long-term economic impacts.

8. POLICIES AND REGULATIONS

Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The property is not located within the EMOZ.

Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)
The property is not located within the HPOZ.

Spatial Planning Policies
The proposal is consistent with the relevant spatial planning policies applicable to the property and is not in conflict with the objectives of the Western Cape Provincial Spatial Development Framework (2014) or the Overstrand Municipal Spatial Development Framework (2020).

The application relates to minor additions and alterations to an existing single residential dwelling and does not introduce a new land use, increase the residential density, or alter the established development pattern of the surrounding neighbourhood. The proposal promotes the efficient use of an existing residential property by accommodating the evolving needs of the owners while maintaining the residential character and amenity of the area.

Furthermore, the proposed departures are limited in extent and do not undermine the broader planning objectives of promoting orderly, sustainable and context-sensitive development. The proposal therefore remains compatible with the applicable spatial planning policies and supports the continued enhancement of an established residential property within the existing urban footprint.

9. PLANNING PRINCIPLES

Chapter 2 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) ("SPLUMA") sets out five development principles that must guide all land use and development decisions. The proposed application has been assessed against these principles as follows:

Spatial justice
The principle of spatial justice seeks to redress past spatial inequalities while ensuring fair and equitable access to land use opportunities. The application relates to additions and alterations to an existing single residential dwelling together with the regularisation of minor building line encroachments. The proposal does not alter the existing residential land use, restrict access to opportunities, or prejudice neighbouring properties. The application therefore has no adverse implications for spatial justice.

Spatial sustainability
Spatial sustainability promotes development that makes efficient use of existing urban land while protecting environmental and social resources. The proposal represents the continued improvement of an established residential property within the existing urban area and does not require the expansion of the urban footprint or the consumption of additional land. The proposed additions improve the functionality of the dwelling while remaining compatible with the surrounding residential environment. The proposal therefore supports sustainable and orderly urban development.

Efficiency
The principle of efficiency encourages the optimal use of existing land, infrastructure and municipal services. The proposal makes effective use of an already serviced residential property by improving the existing dwelling rather than requiring additional infrastructure or municipal investment. No increase in residential density or land use intensity is proposed,

and the existing engineering services are adequate to accommodate the additions. The application therefore promotes the efficient utilisation of existing resources.

Spatial resilience

Spatial resilience seeks to ensure that development contributes to adaptable, functional and well-managed settlements. The proposed additions have been designed to meet the changing needs of the owners while remaining compatible with the established residential character of the surrounding neighbourhood. By regularising existing structures and obtaining the necessary planning approvals for the proposed additions, the application promotes certainty in land use management and contributes to the long-term resilience of the built environment.

Good administration

Good administration promotes transparent, consistent and accountable land use decision-making. This application has been prepared in accordance with the provisions of the Overstrand Municipal Planning By-law and the Overstrand Municipal Land Use Scheme. The application will follow the prescribed statutory process, including public participation where required, thereby providing interested and affected parties with an opportunity to comment. Any comments received will be duly considered in the decision-making process. The proposal therefore supports the principles of fairness, transparency and sound planning administration.

In conclusion, the proposed departures are limited in extent and are required to facilitate reasonable improvements to an existing single residential dwelling. The proposal is consistent with the development principles contained in Chapter 2 of SPLUMA and supports orderly, sustainable and desirable development within the existing residential area.

10. CONCLUSION

The application seeks approval for a number of minor and reasonable departures from the development parameters of the OMLUS to facilitate improvements to the subject property. The proposed departures relate to the street, side and rear building lines, together with a marginal increase in the permissible site coverage.

These departures are required to accommodate a garage extension, the retention of an existing lean-to roof, and a covered braai area, all of which are ancillary to the existing residential use of the property. The proposal has been carefully assessed against the applicable planning legislation, the OMLUS, the relevant spatial planning policies and the development principles contained in SPLUMA.

It has been demonstrated that the proposal is compatible with the surrounding residential character, will not result in unacceptable impacts on neighbouring properties or municipal infrastructure, and does not give rise to adverse environmental, heritage, traffic or socio-economic impacts.

The requested departures are limited in extent and are considered both reasonable and desirable. The proposed improvements respond to the evolving needs of the owners by enhancing the functionality, security and long-term usability of the dwelling while maintaining the established residential character of the area. Importantly, the application does not introduce a new land use, increase the residential density or alter the intended use of the property.

The proposal promotes the efficient use of an existing serviced residential property and represents a logical enhancement within an established neighbourhood. The development is therefore consistent with the objectives of sound spatial planning and will contribute positively to the continued maintenance and improvement of the residential environment. It is respectfully submitted that the proposal satisfies the relevant planning and land use considerations and that the requested departures are justified on planning merits. The application is therefore recommended for approval, subject to any reasonable conditions that the Overstrand Municipality may deem appropriate.

11. RECOMMENDATION

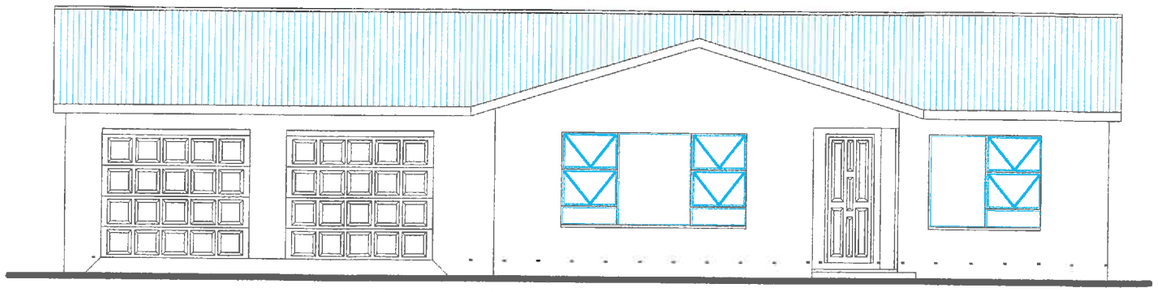
Based on the abovementioned motivation, it is recommended that the following be approved:

11.1 **Removal of restrictive title deed conditions** to allow the proposed garage extension in terms of section 16(2)(d) of the Overstrand Municipality amendment by-law on municipal land use planning, 2020;

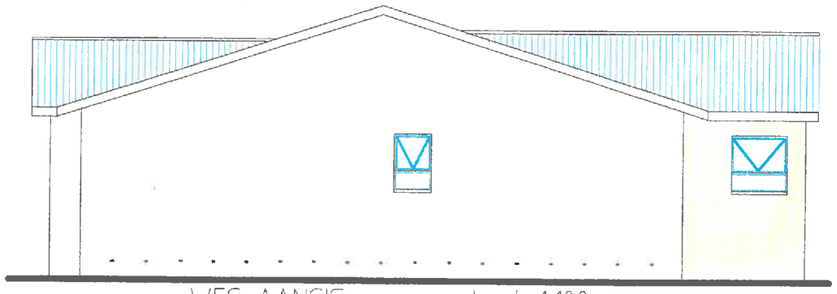
11.2 **Permanent Departure** in terms of section 16(2)(b) of the Overstrand Municipality amendment by-law on municipal land use planning, 2020 in order to:

- **Relax** the 4m Street building line to 2,5m to accommodate the proposed garage addition;
- **Relax** the 2m Rear Building Line to 0m & 0,2m to accommodate a new covered braai area.

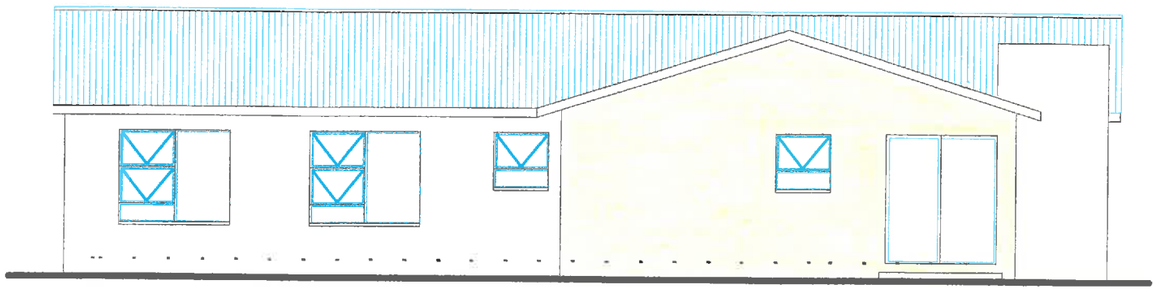
11.3 **Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



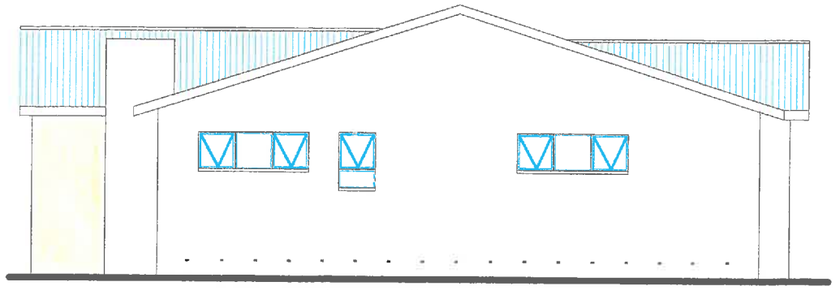
NOORD-AANSIG skaal 1:100



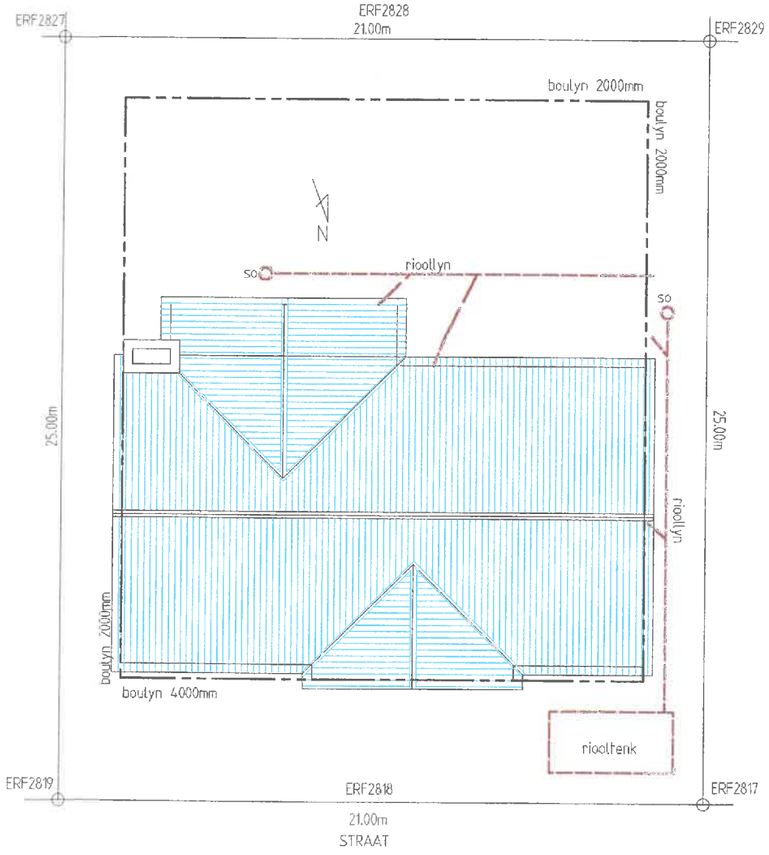
WES-AANSIG skaal 1:100



SUID-AANSIG skaal 1:100



OOS-AANSIG skaal 1:100



TERREINPLAN skaal 1:200 REGSTELLINGSPLAN

MUNICIPALITY OF GANSBAAI
BUILDING CONTROL OFFICER
APPROVED
ADMINISTRATION GANSBAAI

ALGEMEEN

Alle mates en hoogtes moet op terrein nagegaan word voor werk mag begin.
Mates op plan aangedui geniet voorrang oor mates geskaal vanaf plan.
Vloervlak in alle gevalle min. 300mm bo grondvlak.
Vogdiglaag moet onder alle openinge in buite mure voorsien word.
Kappe bevestig met gegalvaniseerde bouers hoepel ,600mm diep gemessel in steenwerk.
Beton lateie oor alle openinge.
Alle dak houte wat in mure in gebou word, moet met dpc bedek word by die gedeelte waar dit met die muur kontak maak.
ALLE BOUWERKE STRENG VOLGENS NAS. , PROVINSIALE EN PLAASLIKE BOUREG-ULASIES.

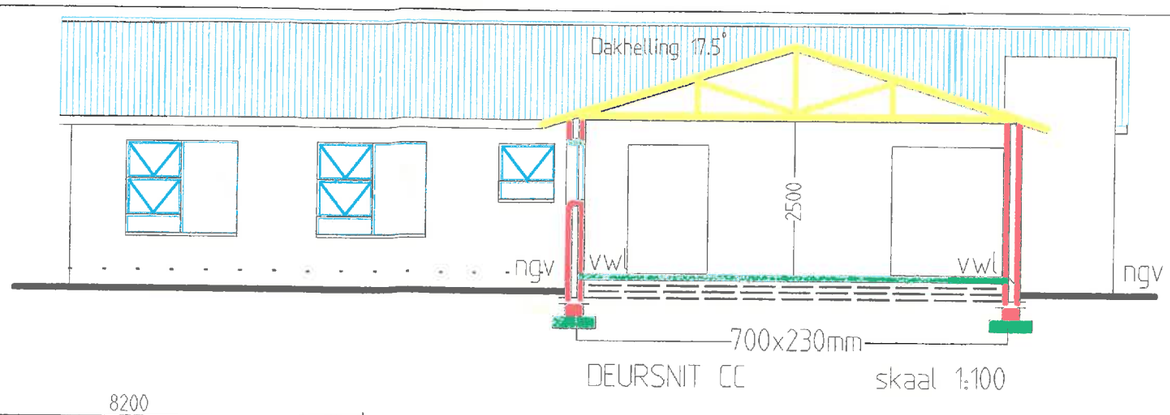
NOTA

VOORGESTELDE NUWE WONING VIR MNR W. NIEMAND OP ERF 2818, GELEE TE PERLEMOENBAAI

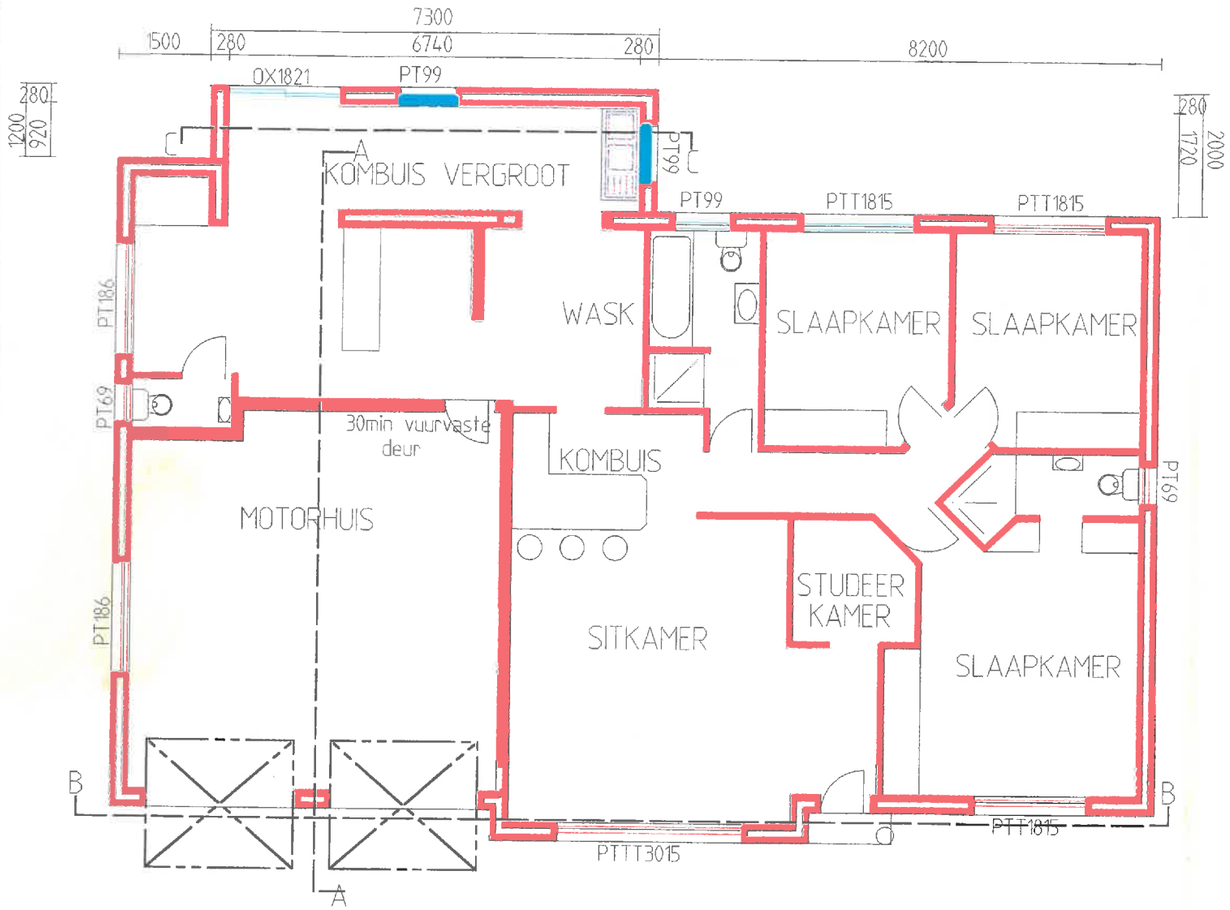
PROJEK 2004/PLB2818/1	SKAAL 1:100,1:200	2004-03-03

Plan geteken deur Wilman Grobler.

WFGrobler
HOOFWEG 4, GANSBAAI
TEL/FAKS 028-3840350
sel 084-5122261



DEURSNIT CC skaal 1:100



GRONDPLAN skaal 1:100

REGSTELLINGSPLAN

STEENWERK
Buite mure siersteer.
Binne mure gepleiste- en geverf volgens eienaars keuse.

DAKKONSTRUKSIE.
Big Six veselsement bedekking op 75x50mm dak latte @ 1200mm s/s maks. op 114x38mm "Gang nail" dakkappe @ 1200mm maks. op 114x38mm muurplaat. voorsien van 38x12mm gegalvaniseerde bouershoepel by elke balk.

PLAFONNE.
Rhino bord met "cretestone" gepleister op 38x38mm SAD op s/s 400mm.

VLOER.
100mm Beton bedekking op vogwerende laag op 50mm sandlaag op hardelaag.

RIOOLWERK.
Volgens muns. vereistes en regulasies.

GEUTE.
PVC geute en aflei pype. Geute op 225x12mm fasia bord.
Glas soos per NBR
Balkon en trap relings soos per NBR.

ALGEMEEN
Alle mates en hoogtes moet op terrein nagegaan word voor werk mag begin.
Mates op plan aangedui geniet voorrang oor mates geskaal vanaf plan.
Vloervlak in alle gevalle min. 300mm bo grondvlak.
Vogdigtlaag moet onder alle openinge in buite mure voorsien word.
Kappe bevestig met gegalvaniseerde bouers hoepel ,600mm diep gemessel in steenwerk.
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Alle dak houte wat in mure in gebou word, moet met dpc bedek word by die gedeelte waar dit met die muur kontak maak.
ALLE BOUWERKE STRENG VOLGENS NAS., PROVINSIALE EN PLAASLIKE BOUREGULASIES.

MUNICIPALITY
BUILDING INSPECTORATE
APPROVED
ADMINISTRATOR

OPPERVLAKTE
BESTAANDE WONING 99.70m²
MOTORHUIS 58.40m²
TOTAAL 158.10m²

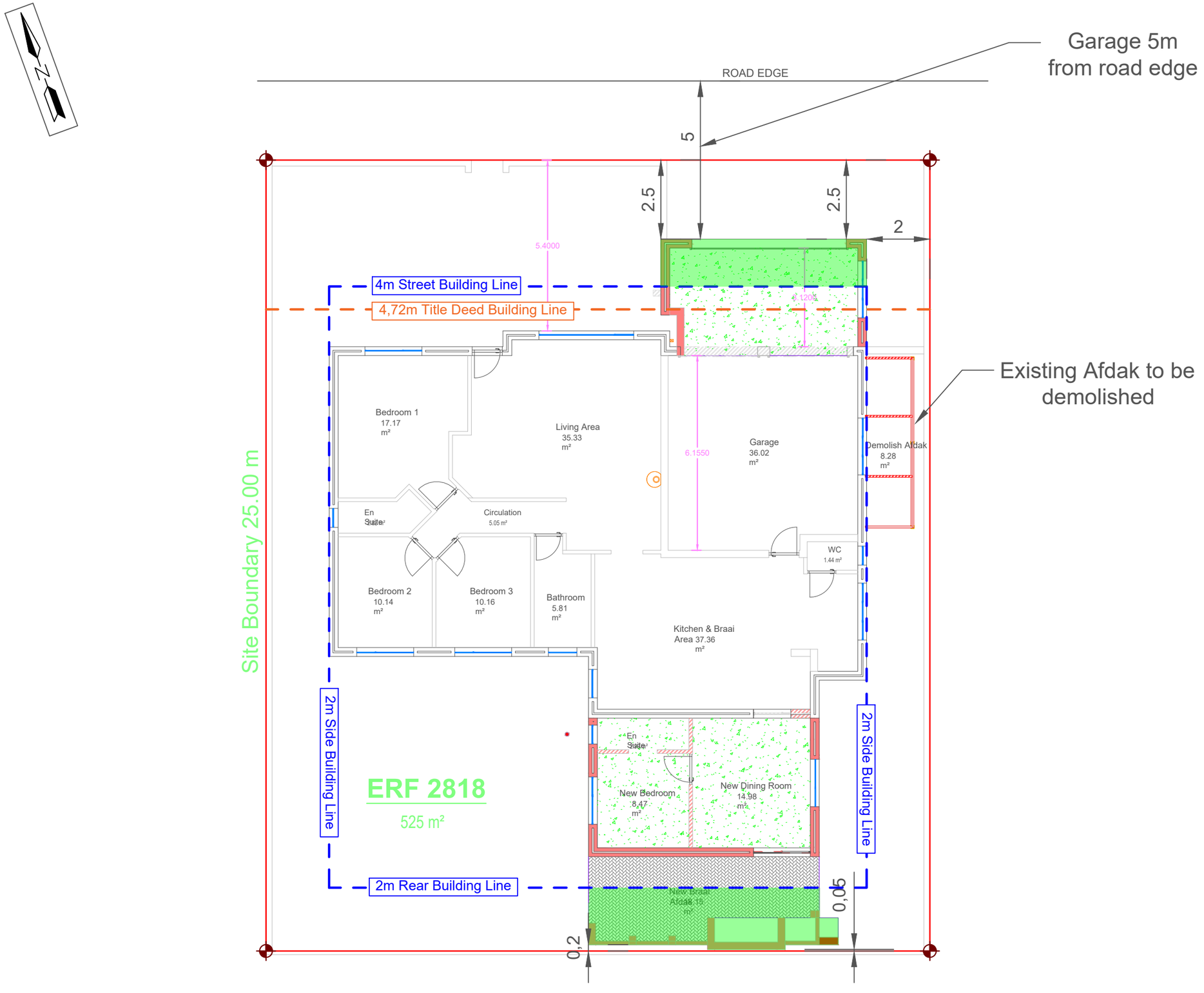
ERF GROOTTE 525.00m²
VOORGESTELDE VERANDERINGS
14.60m²
172.70m²

VOORGESTELDE NUWE WONING VIR MNR W. NIEMAND OP ERF 2818, GELEE TE PERLEMOENBAAI

PROJEK 2004/PLB2818/1	SKAAL 1:100,1:200	2004-03-03

Plan geteken deur Wilman Grobler.

WFGrobler
HOOFWEG 4, GANSBAAI
TEL/FAKS 028-3840350
sel ~~084-5122261~~
0838267874



Plan 3: Site Plan
Erf 2818 Gansbaai

Erf 2818 Gansbaai
525m²

Ground Floor :	184.48m²
New Garage Addition :	24.88m²
New Addition :	32.05m²
New Braai Afdak :	20.29m²
TOTAL :	258.45m²

Coverage = 49.23%

Scale 1 : 125

Plan prepared by: Thian Jansen on 09/09/2026

All distances are approximate
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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Street Hermanus, 7200

WRAP Project Office
Town Planning & Project Management