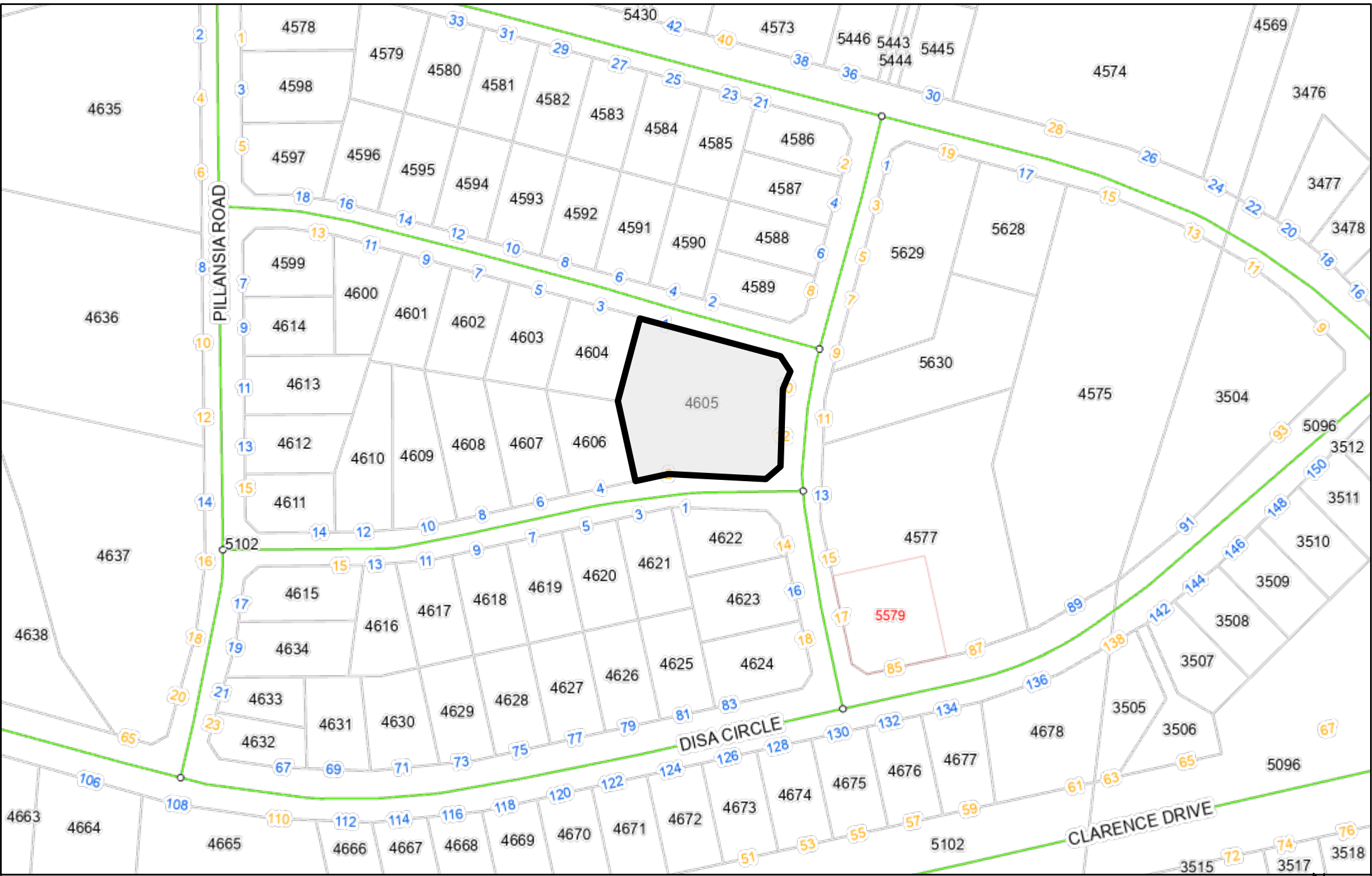


| OVERSTRAND MUNICIPALITY | OVERSTRAND MUNISIPALITEIT | UMASIPALA WASE-OVERSTRAND |
|--|--|---|
| <p>ERF 4605, 1 PODALYRIA ROAD, BETTY'S BAY: <u>APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND SUBDIVISION: NAUSHAD OMAR LAND SURVEYOR ON BEHALF OF A SABERA AND MA HOFFMEESTER</u></p> <p>Notice 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 4605, Betty's Bay (the property), namely:</p> <p><u>Removal of Restrictive Title Deed Conditions</u> Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions B.6., B.7.(a) and B.7.(b) as contained in Title Deed T53830/2022 of the property.</p> <p><u>Subdivision</u> Application in terms of Section 16(2)(d) of the By-Law to subdivide Erf 4605, Betty's Bay into 4 portions namely, Portion 1 (± 500m²), Portion 2 (± 550m²), Portion 3 (± 941m²) and the Remainder (± 1400m²).</p> <p>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, at the Betty's Bay Library, Clarence Drive, Betty's Bay and on the municipal webpage at the following link https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/</p> <p>Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) on or before 3 July 2026, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the Principal Town Planner, Mrs. H. van der Stoep 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.</p> <p><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></p> | <p>ERF 4605, PODALYRIAWEG 1, BETTYSBAAI: <u>AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDES EN ONDERVERDELING: NAUSHAD OMAR LANDMETER NAMENS A SABERA EN MA HOFFMEESTER</u></p> <p>Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoeke van toepassing op Erf 4605, Bettysbaai (die eiendom), naamlik:</p> <p><u>Opheffing van Beperkende Titelaktevoorwaardes</u> Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaardes B.6., B.7.(a) en B.7.(b) soos vervat in Titelakte T53830/2022 van die eiendom.</p> <p><u>Onderverdeling</u> Aansoek ingevolge Artikel 16(2)(d) van die Verordening om Erf 4605, Betty's Bay in 4 gedeeltes te verdeel, naamlik Gedeelte 1 (± 500m²), Gedeelte 2 (± 550m²), Gedeelte 3 (± 941m²) en die Restant (± 1400m²).</p> <p>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, by die Bettysbaai Biblioteek, Clarencerylaan, Bettysbaai en op die munisipale webtuiste by die volgende skakel https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/</p> <p>Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) landuse@overstrand.gov.za) voor of op 3 Julie 2026, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Hoofstadsbeplanner, Me. H. van der Stoep 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.</p> <p><i>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 en kontakbesonderhede openbaar gemaak mag word.</i></p> | <p>ISIZA 4605, 1 PODALYRIA ROAD, BETTY'S BAY: ISICELO SOKUSUSWA KWEMIQATHANGO ETHINTELAYO KUNYE NOKUHULWA KWE TITLE DEED: NAUSHAD OMAR UMHLOLI WOMHLABA EGAMENI LE A SABERA AND MA HOFFMEESTER</p> <p>Isaziso ngoko ke sinikezelwa ngokwemiqathango yeCandelo lama-47 kunye nelama-48 loMthetho kaMasipala wase-Overstrand oLungisiweyo woCwangciso loSetyenziso loMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala), wezicelo ezilandelayo ezisebenza kwi-Erf 4605, eBetty's Bay (ipropati), ezizezi:</p> <p><u>Ukususwa kweMiqathango Ethintelayo ye-Title Deed</u> Isicelo ngokweCandelo 16(2)(f) loMthetho kaMasipala sokususwa kwemiqathango ethintelayo ye-title deed u-B.6., u-B.7. (a) kunye no-B.7.(b) njengoko kuqulethwe kwi-Title Deed T53830/2022 yepropati.</p> <p><u>Ukuhlulwa</u> Isicelo ngokwemiqathango yeCandelo 16(2)(d) loMthetho kaMasipala sokwahlulahlula iSiza 4605, iBetty's Bay sibe zizahlulo ezi-4 ezizezi, Isahlulo 1 (± 500m²), Isahlulo 2 (± 550m²), Isahlulo 3 (± 941m²) kunye neNtsalela (± 1400m²).</p> <p>linkcukacha eziphelelyo malunga nesi siphakamiso ziyafumaneka ukuze zihlole kwiintsuku zomsebenzi phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: loCwangciso lweDolophu noCwangciso lweeNdawo, 16 Paterson Street, eHermanus nakwiThala leeNcwadi laseBetty's Bay, Clarence Drive, eBetty's Bay nakwiphepha lewebhu likamasipala kule linki ilandelayo https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/</p> <p>Naziphi na izimvo kufuneka zibhalwe kwaye zifikelele kuMasipala (16 Paterson Street, eHermanus / (e) landuse@overstrand.gov.za) ngomhla okanye phambi komhla wama-3 EyeKhala 2026, kuquka igama lakho, idilesi, iinkcukacha zoqhagamshelwano, umdla wakho kwesi sicelo kunye nezizathu zezimvo zakho. Imibuzo ngomnxeba ingenziwa kuMchwangciso weDolophu, OyiNqununu Nksz. H. van der Stoep kule nombolo 028-313 8900. UMasipala unelungelo lokwala ukwamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwazi ukufunda okanye ukubhala angandwendwela iSebe loCwangciso lweDolophu apho igosa likaMasipala liza kumnceda ekuqulunqeni izimvo zakhe.</p> <p><i>Nceda uqaphele ukuba le miba imayela NoMthetho Okhusela Ingxalo Ngomntu(POPIA), uza kungena kwinkqubo yokawonkwonke ngolo hlobo ke uvumelana nokunika igama lakho nemvume yokusebenzisa igama lakho, ifani, iinkcukacha ofumaneka kuzo nokuhlomla izimvo eziza kudizwa/eziza kusetyenziswa kwinkqubo (yokufaka isicelo).</i></p> |
| <p>Dr DGI O'Neill Municipal Manager / Munisipale Bestuurder / Umphathi Kamasipala PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200</p> <p style="text-align: right;">Notice no. / Kennisgewing nr. / Inathisi yeNomb: 102/2026</p> | | |



VERSION 3

**APPLICATION to SUBDIVIDE
and REMOVE TITLE DEED
RESTRICTIONS: ERF 4605
BETTYS BAY**

MOTIVATING MEMORANDUM

**NAUSHAD OMAR LAND SURVEYOR
PLS1166**

**4 FINN ROAD
ZEEKOEVLEI
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Email: naushad101@yahoo.com

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FEBRUARY 2026

Enquiries: N. Omar

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1. INTRODUCTION

This application is submitted on behalf of the owners of Erf 4605 Bettys Bay for the subdivision of the property into four (4) residential portions and the removal of specific restrictive title deed conditions contained in Title Deed T53830/2022.

The applicant acts as professional agent on behalf of the owners. The subject property is an atypically large erf within an established residential area of Bettys Bay. The existing title deed restrictions originate from historic township establishment conditions that no longer align with contemporary spatial planning principles, the Overstrand Land Use Scheme, or current municipal, provincial and national planning policy.

The motivation addresses the subdivision proposal and **each restrictive title deed condition individually**, with specific emphasis on:

- The financial value of the right.
- The personal benefits which will accrue to the person seeking its removal.
- The social benefit of the restrictive condition being removed.
- Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights?
- spatial, environmental and policy considerations; and
- the desirability of its removal in terms of LUPA and SPLUMA.

2. DESCRIPTION OF THE SUBJECT PROPERTY

2.1 DESCRIPTION:

Erf 4605 Bettys Bay measures approximately 3 391 m² and is zoned Residential Zone 1 (RZ1). It is located at the corner of Polygala Road and Popalyria Way within the Overstrand Municipality.

The property is currently developed with a modest single dwelling that is occupied by the owner as his primary and permanent residence. The erf is significantly larger than surrounding residential properties, most of which are substantially smaller and already developed with single residential dwellings.

The unusually large size of the property, when viewed against prevailing settlement patterns, results in inefficient land utilisation under current conditions.

2.2 TOPOGRAPHY AND FLORA

The property slopes down from north to south as shown by the contours on the subdivision sketch by an amount of 4m over 50m. This is not a steep slope and easily developable by creating platforms where the houses will be built. There is largely a grass coverage with some bush in the north-western and south-western corners of the property.

3. GENERAL INFORMATION

| | |
|--------------------------------|--|
| PROPERTY DESCRIPTION | ERF 4605 BETTYS BAY |
| PROPERTY SIZE | 3391 sq metres |
| OWNERSHIP | AZIZA SABERA (1/2) MOEGAMAT ASLAM HOFFMEESTER (1/2) D/T: T53830/2022 dated: 31/10/2022 |
| TITLE DEED RESTRICTIONS | 6: This erf to be used solely for the purpose of erecting thereon one dwelling and an old-aged home... 7(a) Side Space – minimum 8m street boundary and 5m common boundary. 7(b) Coverage - maximum of 25% of land to be built upon. |
| LOCATION | Corner of Polygala Road and Popalyria Way, Bettys Bay |
| ZONING | Residential Zone 1 (RZ1) |
| CURRENT LAND USE | Residential – small dwelling |
| PROPOSED LAND USE | Residential |

4. APPLICATION

4.1 APPLICATION is made for the for the approval of **SUBDIVISION** of **ERF 4605 BETTYS BAY** in terms of **SECTION 16(2)(d)** of the **OVERSTRAND AMENDED MUNICIPAL PLANNING BY-LAW OF 2020**,

4.2 APPLICATION is made for the **REMOVAL OF TITLE DEED RESTRICTIONS 6, 7(a) and 7(b)** of the **Title Deed T53830/2022** in terms of **SECTION 16(2)(f)** of the **OVERSTRAND AMENDED MUNICIPAL PLANNING BY-LAW OF 2020**,

One portion will be retained by the owner as his primary residence. The remaining three portions will be alienated as individual residential erven.

5. LEGAL STATUS

ERF 4605 BETTYS BAY is owned by Aziza Sabera (1/2) and Moegamat Aslam Hoffmeester (1/2) in undivided share D/T: T53830/2022 dated: 31/10/2022.

There are title deed restrictions, application is made to remove 6, 7(a) and 7(b).

6: This erf to be used solely for the purpose of erecting thereon one dwelling and an old-aged home...

7(a): Side Space – minimum 8m street boundary and 5m common boundary.

7(b): Coverage - maximum of 25% of land to be built upon.

The restrictive title deed conditions were imposed by the Administrator of the Province during township establishment and reflect historic planning norms that prioritised very low densities and limited development flexibility.

Contemporary planning practice requires that such conditions be re-evaluated against current zoning provisions, spatial planning policies, and constitutional imperatives relating to access to land, housing and equitable development.

Each restrictive condition is addressed individually below, with **separate assessments of personal benefit and social benefit, as required by Section 39(5) of LUPA**.

5.1 Compliance with Annexure B – Removal of Restrictive Conditions

In terms of Annexure B of the Overstrand Municipality Motivational Report Guidelines, the removal of restrictive conditions must address:

- The financial or other value of the rights;
- The personal benefit accruing to the holder;
- The social benefit of the restrictive condition remaining in place and/or being removed;
- Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights?

Each restrictive condition is therefore assessed below strictly in accordance with these requirements.

6. VALUATION MODEL

This motivation is supported by a detailed vacant-land valuation model (**see ANNEXURE A**) based on residential-scale erven. The refined dataset of 27 comparable sales (2012–2025) provides a scientifically defensible basis for determining the current market value of Erf 4605 and its proposed subdivided portions.

The analysis shows two distinct growth behaviours:

1. A long-term geometric trend (inflation-linked), which places 2025 values for typical erven in the R600–R750/sqm range.
2. A short-term exponential surge (2022–2025), driven by semigration, with recent sales clustering between R900–R1 200/sqm.

A fair and balanced valuation must therefore avoid both extremes:

- Not as low as the backward-projected R432/sqm, which under-represents current market conditions.
- Not as high as the peak-cycle R1 000–R1 200/sqm, which may reflect temporary demand pressure.

The scientifically justified midpoint between the geometric trend and the exponential spike lies in the region of \pm R700/sqm, which aligns with the 2024 sales cluster (R670–R800/sqm) and sits directly on the long-term geometric growth curve.

Using this fair-value rate of approximately R700/sqm, the proposed subdivision into 500 sqm (R350,000), 550 sqm (R385,000), and 941 sqm (R658,700) portions, with a 1 400 sqm (R980,000) remainder, yields a combined land value of approximately R 2.37 million. This reflects the property's true economic potential once outdated title deed restrictions are removed and subdivision is approved.

This proposal aligns with SPLUMA principles, supports orderly spatial development, and is consistent with the established residential character of Bettys Bay. Approval of the application is respectfully requested, with the full valuation model attached as **Annexure A**.

7. RESTRICTIVE CONDITION 6 – LIMITATION TO ONE DWELLING AND OLD-AGE HOME

7.1 Description of the Restriction

Restriction 6 limits the use of the erf to the erection of one dwelling and an old age home or similar institutional use, subject to approval by the Administrator, Township Board and Local Authority. The impact of removing this restriction contributes about 90% of the valuation and the 2 remaining restrictions around 5% each as will be explained hereafter.

7.2 Personal Benefit of Removal

The owner resides permanently on the property, which serves as his primary residence. The erf is substantially larger than required for a single household and represents locked-up capital that cannot be realised while this restriction remains in force.

Based on prevailing residential land values in Bettys Bay, the sale of three serviced residential erven of this nature represents a significant capital realisation of approximately R1,393,700. These proceeds may be applied directly toward the owner's cost of constructing a second dwelling on his portion, the remainder. The personal benefit is therefore tangible, measurable, and directly linked to the removal of this restriction.

7.3 Social and Public Benefit of Removal

From a social and public interest perspective, removal of Restriction 6 will:

- create three additional residential erven within the urban edge;
- contribute additional housing supply without any expansion of settlement boundaries;
- generate increased municipal rates income, conservatively amounting to several tens of thousands of rand per annum;
- promote efficient utilisation of serviced urban land.

There is no demonstrable demand for old age homes in Bettys Bay. If such demand existed, an old age home would reasonably have been established on the property at some point during the approximately 70 years since township establishment.

The absence of such development over several decades indicates that the restriction no longer responds to market demand, demographic need, or spatial policy objectives. Retention of this restriction therefore provides no social benefit, while its removal delivers clear, quantifiable public advantages.

Even if the restrictive conditions were to remain, the property would remain anomalously under-utilised relative to surrounding erven, which would be contrary to the intent of the zoning scheme and applicable spatial planning frameworks.

7.4 Social Benefit of the Restriction Remaining in Place

Restriction 6 is historically aimed to preserve low density and permit institutional care facilities. However, over approximately 70 years since township establishment, no old age home has materialised on the property. The continued existence of this restriction does not demonstrably protect any present social need, nor does it serve a current planning objective.

Retention therefore results primarily in land under-utilisation rather than public benefit.

7.5 Rights of Beneficiary

The beneficiary of the restrictive condition was historically the Administrator of the Province and not a private neighbouring landowner. Removal does not extinguish vested private rights, nor does it deprive any neighbouring property of lawful development entitlements. The land remains Residential Zone 1 and subject to the Overstrand Land Use Scheme.

8 RESTRICTIVE CONDITION 7(a) – EXCESSIVE BUILDING LINES

8.1 Description of the Restriction

Restriction 7(a) prescribes an 8 m street building line and a 5 m common boundary building line, which are substantially more onerous than current Land Use Scheme provisions.

8.2 Personal Benefit of Removal

Retention of the excessive building lines would significantly reduce the usable building envelope only on Portion 1 to a size of 102 sqm and 5,09m wide thus rendering this long plot undevelopable. However, increasing the width of the plot by 3m would increase the width of 5,09 to 8,09m thus making it more developable. Keeping the restriction would negatively affect the marketability and value of the erven by limiting building size, layout flexibility, and compliance with contemporary residential design norms. However, the maximum effect of this restriction should only be again, approximately 5% that equates to R118,650 (2,373,700,00 x 0,05). However, the removal of this restriction would allow each erf to be developed in line with current scheme regulations, which directly protects and enhances the value of the subdivided portions. This has a measurable financial benefit to the owner through improved saleability and value of the proposed three alienated erven.

8.3 Social and Public Benefit of Removal

From a broader perspective, removal:

- enables orderly and predictable development in line with the Land Use Scheme;
- avoids irregular and inefficient site layouts;
- promotes visual consistency with surrounding properties;
- reduces pressure for future departures or deviations.

The restriction no longer contributes meaningfully to protecting neighbourhood character beyond what is already achieved through scheme controls.

8.4 Social Benefit of the Restriction Remaining in Place

Restriction 7(a) is historically aimed to preserve low density and permit institutional care facilities. However, over approximately 70 years since township establishment, no old age home has materialised on the property. The continued existence of this restriction does not demonstrably protect any present social need, nor does it serve a current planning objective.

Retention therefore results primarily in land under-utilisation rather than public benefit.

8.5 Rights of Beneficiary

The beneficiary of the restrictive condition was historically the Administrator of the Province and not a private neighbouring landowner. Removal does not extinguish vested private rights, nor does it deprive any neighbouring property of lawful development entitlements. The land remains Residential Zone 1 and subject to the Overstrand Land Use Scheme.

9. RESTRICTIVE CONDITION 7(b) – 25% COVERAGE LIMITATION

9.1 Description of the Restriction

Restriction 7(b) limits building coverage to 25% of the erf, which is significantly lower than coverage permitted under the current zoning scheme.

9.2 Personal Benefit of Removal

The 25% coverage limitation slightly suppresses the development potential and market value of each proposed erf. 25% of 500, 550, 941 and 1400 sqm respectively gives 125, 137, 235, 350 sqm. 125 and 137 sqm are feasible sizes thus the impact of retaining this restriction can be approximately 5% which equates to R118,650 (2,373,700,00 x 0,05). Thus, retaining this restriction would not result in smaller, less functional dwellings. However, removal of this restriction aligns with coverage controls with current scheme provisions and allows residential development that meets contemporary standards.

9.3 Social and Public Benefit of Removal

Removal of this restriction:

- supports flexible and efficient residential design;
- allows housing typologies that meet modern living requirements;
- ensures equitable application of development controls across the municipality;
- avoids artificial sterilisation of urban land.

There is no demonstrable public interest served by retaining a coverage restriction that is inconsistent with current policy.

9.4 Social Benefit of the Restriction Remaining in Place

Restriction 7(b) is historically aimed to preserve low density and permit institutional care facilities. However, over approximately 70 years since township establishment, no old age home has materialised on the property. The continued existence of this restriction does not demonstrably protect any present social need, nor does it serve a current planning objective.

Retention therefore results primarily in land under-utilisation rather than public benefit.

9.5 Rights of Beneficiary

The beneficiary of the restrictive condition was historically the Administrator of the Province and not a private neighbouring landowner. Removal does not extinguish vested private rights, nor does it deprive any neighbouring property of lawful development entitlements. The land remains Residential Zone 1 and subject to the Overstrand Land Use Scheme.

10 CONCLUSION

The removal of restrictions enables the owner to subdivide and alienate three residential portions. The owner paid R650,000 for the erf. But valuation now which is 3 years later is around R1,464,480 and has nothing to do with the extra value from subdivision or removal of restrictions, but purely from the increased demand for coastal properties and surge in prices obtained from the sale of properties over the past 3 years (see ANNEXURE A). Council fees for application and advertising are R25,289. Cost of town planning and subdivision by the surveyor is R26,700.

APPLICATION: to SUBDIVIDE and REMOVE TITLE DEED RESTRICTIONS: ERF 4605 BETTYS BAY

Approximate cost of bulk council charges for road, water and electricity is expected to be R50,000 per plot giving a total of R150,000 for 3 new plots. Total cost of subdivision is thus around R200,000.

Using a scientifically justified fair-value rate of \pm R700/sqm, the valuation demonstrates that Erf 4605's true 2025 market value is approximately R 1.464 million, considered as a whole. Removing the restrictions and allowing subdivision will increase the value to R2,373 million. This translates to a gross profit of R909,00 less cost of subdivision R200,000 gives a profit of R709,000 for the owner. The removal of restrictive title deed conditions is therefore reasonable, evidence-based, and aligned with municipal planning principles.

The valuation uplift demonstrated in this report is not speculative windfall profit but represents the restoration of parity between the subject property and surrounding erven. The restrictive conditions artificially suppress' participation in the same vacant-land market behaviour reflected in Annexure B.

The Municipality is therefore respectfully requested to approve the removal of the restrictive conditions to allow the property to be utilised in a manner consistent with its market value, its surroundings, and the Overstrand spatial vision.

11. AVAILABILITY OF MUNICIPAL SERVICES

Municipal water is available to the subject property. Sewerage is provided via on-site septic systems, which is consistent with surrounding development in Bettys Bay. Existing gravel road access already serves the property and will serve all four proposed portions.

No new public roads, bulk infrastructure upgrades, or municipal service extensions are required. The proposal therefore places no additional financial burden on the municipality and represents efficient use of existing infrastructure.

12. ENVIRONMENTAL, HERITAGE AND RISK CONSIDERATIONS

The property is located within the established urban area and is not subject to coastal, lake, environmental management, heritage, or fire overlay zones.

The proposal does not trigger NEMA processes or heritage approvals. Residential infill development on serviced land is environmentally preferable to outward urban expansion

13. IMPACT ON SURROUNDING PROPERTIES

The proposed subdivision will result in four residential erven, each exceeding 500 m². This is consistent with the low-density coastal character of Bettys Bay.

No commercial or non-residential land uses are proposed. Development potential remains modest and compatible with existing neighbourhood patterns. No significant impacts on privacy, views, or amenity are anticipated beyond what is ordinarily associated with residential infill development.

14. OVERSTRAND MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

The overall objective of the OVERSTRAND Municipal Spatial Development Framework is to guide and manage urban growth, to balance competing land use demands by putting in place a long-term, logical development path that will shape the spatial form and structure of the Overstrand region. The policy indicates that there should be maximum access to the various town's opportunities, resources and amenities and the creation of safe, high-quality environments to accommodate a range of living environments and lifestyles and offer a vibrant mix of land uses. One of the key strategies of the OVERSTRAND Municipal Spatial Development Framework is that development, rezoning, subdivision, consolidation, etc, promotes a greater mix of land uses, peoples, and greater densification. **The aim of this application is to subdivide into 4 portions and increase densification within the urban edge and to remove restrictions which impedes development.**

14A. GROWTH MANAGEMENT STRATEGY – STATUS QUO AND DENSIFICATION

The Growth Management Strategy designates the area as “Status Quo”.

This designation does not prohibit subdivision within the urban edge. It indicates that no large-scale restructuring or outward expansion is envisaged.

The proposal:

- Retains Residential Zone 1 zoning;
- Does not introduce higher-impact land uses;
- Utilises existing infrastructure;
- Maintains erf sizes exceeding 500 m²;
- Represents conservative infill densification.

The subject property is anomalously large relative to surrounding erven. Even if the restrictive conditions were to remain, the property would remain under-utilised relative to its urban context, contrary to the objectives of spatial efficiency and orderly development.

The densification ratio remains modest and consistent with established suburban coastal character.

15. SPLUMA and LUPA

15.1 SPLUMA

1. The application for a **SUBDIVISION and the REMOVAL of RESTRICTIONS of ERF 4605 BETTYS BAY** is affected by the broad principles of the **Spatial Planning and Land Use Management Act SPLUMA (Act No 16 of 2013)** and the **Land Use Planning Act LUPA (Act 3 of 2014)**.

2. **Spatial Justice:** The principle of spatial justice requires that past spatial and other development imbalances must be redressed through improved access to and use of land. The owners are coloured and thus the spatial justice principle is reinforced in this case.

3. **Spatial Sustainability:** The proposed application to subdivide strengthens the principle of spatial sustainability in the sense that it increases development within the urban edge thereby limiting the need for urban sprawl and encouraging the optimal use of existing urban land and services.

4. **Spatial Efficiency:** The proposed application affects the efficient use of existing resources and engineering infrastructure where decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts.

5. **Spatial Resilience and Good Administration:** It is expected the municipality will consult the public in terms of the OVERSTRAND AMENDED MUNICIPAL PLANNING BY-LAW OF 2020 and other legislation to ensure this application adheres to legislation and policies. And it follows due process and long-term planning goals.

15.2 LUPA Compliance

The application satisfies the considerations set out in Section 39 of LUPA, particularly regarding desirability, impact, and public interest.

The application strengthens Section 39 compliance and satisfies Section 39(5) of LUPA in that:

- (a) The financial value of the rights is quantified;
- (b) The personal benefit to the owner is demonstrated;
- (c) The social benefit of removal and limited benefit of retention are assessed;
- (d) No vested private rights are extinguished.

16. DESIRABILITY OF THE SUBDIVISION AND REMOVAL OF RESTRICTIONS

The subdivision represents an appropriate response to the property's size, location, and context. It enables gradual, low-impact intensification while preserving residential character.

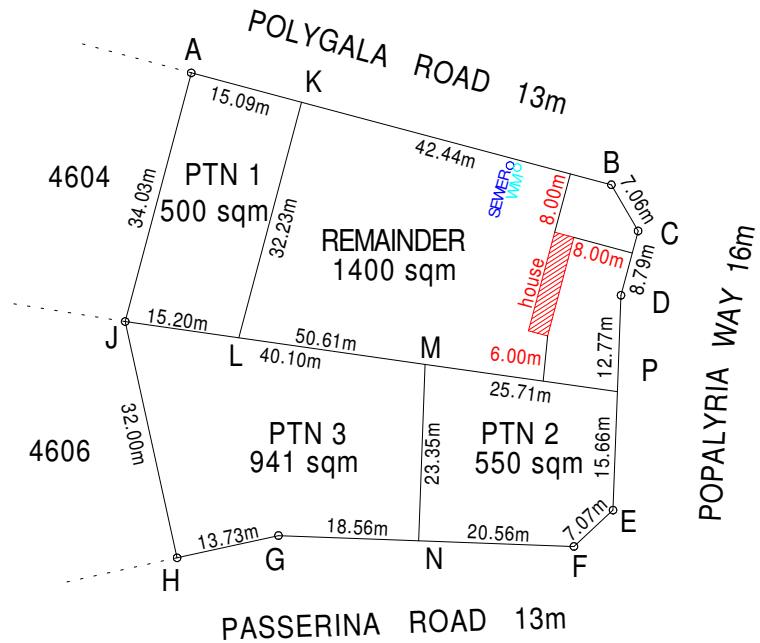
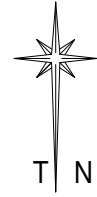
The proposal does not introduce speculative or premature development rights but facilitates reasonable residential use consistent with zoning and policy.

The proposed portion sizes are conservative being 500, 550, 941 and 1400sqm. The property could have been subdivided into 6 x 500 sqm portions, but the owner chose a more conservative 4 portions layout.

17. CONCLUSION

The proposed application is consistent with national, provincial, and local legislation, policies, frameworks, and plans. In all these policies, frameworks, strategies and plans, the central theme is densification within the urban edge, the promotion of mixed-use developments, the prevention of urban sprawl, the protection of agricultural land, the provision of housing and the provision of work opportunities. This application will lead to densification, more housing, more work opportunities and limit urban sprawl.

The subdivision of Erf 4605 Bettys Bay and the removal of restrictive title deed conditions 6, 7(a) and 7(b) are justified on planning, legal, personal, and social grounds. Each restriction has been individually assessed, and in each case its retention serves no contemporary public purpose, while its removal delivers clear personal and social benefits. This proposal aligns with municipal planning frameworks, promotes efficient land use, supports housing supply within the urban edge, and safeguards neighbourhood character. It is respectfully requested that the application be approved.



NOTES:

1. The figure ABCDEFGHJ is Erf 4605 BETTYS BAY and is 3391 sqm in extent.
2. The figure AKLJ is PTN 1 and 500 sqm in extent.
3. The figure KBCDPL is REMAINDER and 1400 sqm in extent.
4. The figure MPEFN is PTN 2 and 550 sqm in extent.
5. The figure JMNGH is PTN 3 and 941 sqm in extent.
6. Address: Cnr Polygala Road, Popalyria Way and Passerina Road, Bettys Bay.

DATE: FEBRUARY 2024

SCALE: 1/1000

DRAWN BY: N.Omar

SUBDIVISION OF:
ERF 4605 BETTYS BAY

REGISTERED OWNERS:
AZIZA SABERA
MOEGAMAT ASLAM HOFFMEESTER
T53830/2022 dated: 31/10/2022

SUBMITTED BY:
N. OMAR LAND SURVEYOR PLS1166
4 Finn Road, Zeekoevlei, 7941
CELL: 072 183 8954

All data approximate and in metres

Dgm. SG.No. 8505/1971

S.G.SHT No. AH-4BD/Y14 (362)