



**OVERSTRAND MUNISIPALITEIT**  
**ERF 3770, NERINESINGEL 1,**  
**BETTYSBAAI: AANSOEK OM OPHEFFING**  
**VAN BEPERKENDE**  
**TITELAKTEVOORWAARDE: WRAP**  
**PROJECT OFFICE (nms AP BOTHA)**

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoek van toepassing op Erf 3770, Bettysbaai (die eiendom), naamlik:

**Opheffing van Beperkende**  
**Titelaktevoorwaarde**

Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaarde B.7. soos vervat in Titelakte T47643/2021 van die eindom om 'n voorgestelde nuwe woonhuis op die 2m Skema boulyn te akkommodeer.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus en by die Bettysbaai Biblioteek, Clarencerylaan, Bettysbaai.

Enige kommentare moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) bereik voor of op **26 Augustus 2022**, met u naam, adres en kontakbesonderhede, belang in die aansoek, en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, 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 Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word om hul kommentare te formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, **HERMANUS**, 7200

**Munisipale Kennisgewing Nr. 85/2022**

**OVERSTRAND MUNICIPALITY**  
**ERF 3770, 1 NERINE CRESCENT, BETTY'S**  
**BAY: APPLICATION FOR REMOVAL OF**  
**RESTRICTIVE TITLE DEED CONDITION:**  
**WRAP PROJECT OFFICE (obo AP**  
**BOTHA)**

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 application applicable to Erf 3770, Betty's Bay (the property), 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.7. as contained in Title Deed T47643/2021 of the property to accommodate a proposed new dwelling house on the 2m Scheme building line.

Details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department : Town Planning at 16 Paterson Street, Hermanus and at the Betty's Bay Library, Clarence Drive, Betty's Bay.

Any comments must be in writing to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **26 August 2022**, quoting your name, address and contact details, interest in the application, and the reasons for comment. Telephonic enquiries can be made to the **Senior Town Planner, Ms. H van der Stoep** at 028-313 8900. The Municipality may refuse to accept comment received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comments.

Municipal Manager, Overstrand Municipality, P.O. Box 20, **HERMANUS**, 7200

**Municipal Notice No. 85/2022**

**UMASIPALA WASE-OVERSTRAND**  
**ISIZA 3770, 1 NERINE CRESCENT,**  
**EBETTY'S BAY: ISICELO UKUSUSWA**  
**KWEZITHINTELO KWISIVUMELWANO**  
**SOBUNINIMHLABA : I-WRAP PROJECT**  
**OFFICE (EGAMENI LIKA AP BOTHA)**

Esi saziso sikhutshwe ngokuvumelana neCandelo- 47 nele 48 loMthetho kaMasipala wase- Overstrand Otshintshweyo omalunga Nokuceba Kokusetyenziswa Komhlaba kaMasipala (2020) ukuba kufunyenwe ezi zicelo zilandelayo eziqukiweyo kwi- Erf 3770 i-Betty's Bay (Ipropati), ngale ndlela:

**Ukususwa kwezithintelo**  
**kwiSivumelwano soBuninimhlaba**

Isicelo ngokuvumelana neCandelo - 16(2)(f) ngeMithetho Yedolophu yokususa imibandela eluqilima yetaytile yobunini- B.7. equkiweyo kwiTaytile Yobunini i- T47643/2021 kwipropati ukulungiselela indlu yokuhlala entsha ecetywayo kumda wesakhiwo weSkimu oyi-2m.

Inkcukacha mayela nesindululo siyafumaneka ukuze sihlolwe phakathi evekini ngamaxesha omsebenzi ukusuka kwintsimbi ye08:00 ukuya kweye16:30 kwiSebe: Izicwangciso Zedolophu kwanombolo 16 Paterson Street, eHermanus naseBetty's Bay Library, Clarence Drive, Betty's Bay.

Naziphi na izimvo ezibhaliweyo zingangeniswa ngokwezibonelelo zamaSolotyama-51 nama-52 kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ngoLwesihlanu okanye ngaphambi koLwesihlanu, **26 EyeThupha 2022**, ukhankanye igama lakho, idilesi, iinkcukacha ofumaneka kuzo, umdlawakho kwesi sicelo nezizathu zokunika izimvo. Imibuzo ngefowuni ingabhekiswa **UMcwangcisi weDolophu oMkhulu, uNksz H van der Stoep** ku-028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda okanye ukubhala angaya kwiCandelo leDolophu apho igosa likamasipala liza kumnceda avakalise izimvo zakhe ngokusemethethweni.

Umlawuli kaMasipala, Masipala waseOverstrand, P.O. Box 20, **HERMANUS**, 7200

**Municipal Notice No. 85/2022**

# Locality Plan Erf 3770 - Betty's Bay



Subject property

Plan prepared by: Thian Jansen

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,  
Corner of Royal and Dirkie Uys  
Street Hermanus, 7200



**Project Office**  
Town Planning & Project Management



Scale 1 : 1 000

**1. ABBREVIATIONS**

<b>OM</b>	Overstrand Municipality
<b>OMLUS</b>	Overstrand Municipality Land Use Scheme, 2020
<b>BY-LAW</b>	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as amended
<b>PSDF</b>	Western Cape Provincial Spatial Development Framework, 2014
<b>LUPA</b>	Western Cape Land Use Planning Act, 2014.
<b>MSDF</b>	Overstrand Spatial Development Framework, 2020
<b>SR1</b>	Residential Zone 1: Single Residential

**2. PROPERTY DETAILS**

<b>Consultant</b>	WRAP Project Office
<b>Erf Number</b>	Erf 3770 Betty's Bay
<b>Restrictive title deed conditions</b>	Condition 7
<b>Extent</b>	1117m <sup>2</sup>
<b>Zoning</b>	Residential Zone 1: Single Residential

**3. BACKGROUND AND INTENT**

Erf 3770 Betty's Bay, hereafter referred to as the subject property, is located at the corner of Morea Road and Nerine Crescent, Betty's Bay (refer **Plan 1 – Locality Plan**). The property owner (Alwyn Botha) appointed WRAP Project Office to submit this land use application on his behalf (refer **Annexure A – Power of Attorney**).

The property owner acquired the subject property in 2021 and has a vision to develop the property with a dwelling unit. The property owner appointed a professional architectural draughtsperson to design the proposed dwelling unit within the Overstrand Municipality Land Use Scheme (OMLUS) building lines. Only after scrutiny of the title deed was it realised that the title deed contains more restrictive building lines than the OMLUS.

As a result, the following application is required:

- Removal of a restrictive title deed condition.



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#### 4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT

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WRAP compiled this report to ensure the property owner's vision is achieved. The following is proposed:

##### 4.1 Removal of a restrictive title deed condition in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

One title deed condition prohibits the property owner to utilise his property to its full extent as described in Section 3 and the rationale for the removal of the condition is discussed below:

<b>Restrictive Title Deed Conditions</b>
<i>Condition 7 – "No building or structure or any portion thereof except boundary walls and fences shall, except with the consent of the Administrator, be erected nearer than 5m to the street line which forms a boundary of this erf, nor within 5m of the rear or 3m of the lateral boundary common to any adjoining erf provided that with the consent of the local authority"</i>

The rationale for the removal of the restrictive title deed condition is to enable the property owner to achieve the development intent highlighted in Section 3 and not be restricted in the future by the title deed building line. The title deed condition is more restrictive than what is allowed in terms of the OMLUS.

The rationale for the removal of the restrictive title deed condition will be discussed in detail in Section 7 of this report.

The property owner has no intention of encroaching on the OMLUS building lines.

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#### 5. APPLICATION

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Considering the above, application is made for the following:

##### 5.1 Removal of restrictive title deed condition in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

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#### 6. LAND USE ENVIRONMENT

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The properties surrounding the subject property are predominantly zoned for single residential purposes and is located adjacent a public open space. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan). The proposal is only to allow the property owner the same development parameters as other Single Residential properties in the Overstrand Area.

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#### 7. TITLE DEED

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Title deed T47643/2021 (refer **Annexure B**) was perused and the condition that is proposed to be removed is restricting the property owner from utilising his property to its full extent.



<b>7.1</b>	<p><b><u>Title deed restrictions</u></b></p> <p><i>Condition 7 – “No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5m to the street line which forms a boundary of this erf, nor within 5m of the rear or 3m of the lateral boundary common to any adjoining erf provided that with the consent of the local authority”</i></p>
	<p><b><u>Motivation</u></b></p> <p><b>The rationale for the proposed removal</b></p> <p>The subject property is currently vacant and is proposed to be developed with a single dwelling unit. The property owner has the vision and opportunity to build up to the OMLUS lateral building line. The proposed development of the property is restricted by the condition mentioned above. The proposal is to remove the restrictive condition, this will align the scheme and title deed building lines and allow the property owner to build up 2m on the southern side of his property.</p> <p><b>Title deed condition background</b></p> <p>The restrictive title deed condition was originally intended to act as a limiting development parameter, but this has however changed with the implementation of more comprehensive zoning and land use schemes. Any amendment or removal of these conditions require the consent of the Administrator. This authority now vests with the Overstrand Municipality.</p> <p><b>Status quo</b></p> <p>The current OMLUS has clear development guidelines in place to ensure the whole of the Overstrand area's residential properties are managed in a similar manner. The title deed condition is more restrictive than the OMLUS and the property owner has a vision and plans to expand beyond this condition. The proposal is to align with the scheme building line with what is allowed on other Single Residential properties in the Overstrand area.</p> <p>The current and future development of the property is being restricted by the title deed condition. The condition made sense when no clear development guidelines existed. With the restrictive condition being more restrictive than the policies of the Overstrand Municipality, the property owner is not able to utilise his property to its full extent.</p>

In terms of the requirements of LUPA, the following information is addressed in terms of Section 39(5)(a-f):

<b>LUPA, Section 39(5) (a-f)</b>	
<i>(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</i>	No person or entity will be affected financially by the removal of the restrictive title deed condition.



## MOTIVATION

<i>in the person as the owner of a dominant tenement;</i>	
<i>(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;</i>	No person is personally benefitting from the condition.
<i>(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;</i>	The property owner will be gaining from the removal of the restrictive condition as it will allow him to utilise his property to its full extent.
<i>(d) the social benefit of the restrictive condition remaining in place in its existing form;</i> <i>(e) the social benefit of the removal, suspension or amendment of the restrictive condition; and</i>	These restrictive conditions do not have a social benefit.
<i>(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.</i>	There is no specific beneficiary of the condition, and no person or entity will be affected if it is removed.

## 8. 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:



**MOTIVATION**

<b>RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL</b>			
<b>Land Use Restrictions</b>			
<b>Parameters</b>	<b>Proposal</b>	<b>Comply/ deviate</b>	
<b>Primary use</b>	Crèche, Dwelling House, Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling House	Comply
<b>Consent use</b>	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	N/A	N/A
<b>Development parameters</b>			
<b>Coverage</b>	The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area: 400m <sup>2</sup> and greater = 50%	Area of site = 1117m <sup>2</sup>  Proposed Dwelling = 233.35m <sup>2</sup>  Coverage = 233.35m <sup>2</sup> / <b>20.89%</b>	Comply
<b>Building lines</b>	(i) The street building line is determined in accordance with the net erf area: 400 m <sup>2</sup> and greater = 4m  (ii) The side and rear building lines are determined in accordance with the net erf area: Greater than 400 m <sup>2</sup> = 2m	Street, side and rear boundaries are adhered to.	Comply
<b>Height</b>	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	Proposed –Two Storey at 8,0m	Comply
<b>Garages and carports</b>	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.	Two parking bays	Comply



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## 9. SERVICES

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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 subject property will be connected to the electric network, as well the OM's water network. A sewer conservancy tank will be installed that will be serviced by the OM. The implementation of this proposal will not greatly impact on these networks.

Solid waste is collected by the OM on a weekly basis.

### **Access and Egress**

Access and egress to the subject property is proposed from Nerine Street.

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## 10. NEED AND DESIRABILITY

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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 the land use application was to ensure that the property meets all the needs of the property owner. The desirability is more often a personal feeling of the property owner. The intent is to build a dwelling house that is in-line with the development parameters of the OMLUS. This is however being restricted due to the title deed conditions. The proposal will not affect any other person, as the proposal is to align the development parameters of the subject property with the development parameters set out in the OMLUS. The proposed dwelling will not benefit any other users or person, but it will increase the property value and, in the future, may yield additional income for the OM.

To achieve his vision, the property owner has appointed WRAP Project Office to submit this application to ensure the proposed development is not in contradiction to any policies, legislation, or title deed conditions.

### **Impact on views, sunlight and character of the area**

The subject property is located in a residential setting and the proposed dwelling house will comply with the OMLUS's development parameters ensuring that no views, sunlight, or the character of the area is affected.

### **Economic impact**

There is little to no impact on the economy. The building of the proposed dwelling house will temporarily employ a contractor that will use workers to assist in the construction phase. Building materials will be purchased at local suppliers.

### **Opportunity cost**

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and



affected parties when an application is approved. The development will not affect the property values of surrounding properties.

**Impact on heritage**

The subject property is not listed in the OM Heritage Register.

**11. POLICIES AND REGULATIONS**

**11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)**

The subject property is located within the 'Coastal Protection Zone' and 'Protected Area Buffer' EMOZ. To ensure compliance with the guidelines set out in the EMOZ, the application was evaluated in terms of the provisions of Schedule A & B of the Environmental Management Overlay Zone 2020:

SCHEDULE A PROHIBITED ACTIVITIES IN OVERSTRAND ENVIRONMENTAL MANAGEMENT OVERLAY ZONES			
Prohibited Activity	Applicable Environmental Management Overlay Zone (EMOZ)		Applicable to the application or not
	Coastal	Protected Area Buffer	
Agricultural practices within this EMOZ which may cause water logging and siltation.	X	X	N/A
Planting or harbouring of declared emerging weeds on properties within and adjacent to this EMOZ.	X	X	N/A
Development or agriculture on slopes steeper than 1:4.	X	X	N/A
Establishment of Informal settlements or Temporary Relocation Areas.	X	X	N/A
No land user within this EMOZ may utilise the vegetation in a vlei, marsh or within the flood area of watercourse in a manner that may cause the deterioration or damage to the natural agricultural resources.	X	X	N/A
Placement of religious symbols or memorabilia.	X	X	N/A
Harvesting /collection of kelp / seaweed in municipal designated "no-take" zones.	X	X	N/A
Harvesting, collection, moving, loading drying of kelp /seaweed, with a valid Seaweed Harvesting Permit or an exemption in terms of Section 81 or the MLRRA issued by the DAFF.	X	X	N/A
Stockpiling, drying, processing or loading of marine resources beyond areas designated, demarcated and signposted by the Municipal Council for such purposes.	X	X	N/A



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Modification of the littoral active zone / functional dune systems in absence of approved management plans.	X	X	N/A
Feeding, disturbing / pursuit of fauna.	X	X	N/A
Disturbance, modification or destruction of the environment or species within special management areas designated, demarcated and signposted by the Municipal Council from time to time.	X	X	N/A
Defacing/damaging / removing of any notice, sign, barrier building or other infrastructure.	X	X	N/A
Playing or tampering with any rope, float, buoy, vessel, shelter or similar life - saving device.			N/A
Staying overnight.	X	X	A dwelling house will be constructed on the property.
The discharging of domestic effluent / grey water into all natural systems.	X	X	N/A
Tampering with security / surveillance infrastructure.	X	X	N/A
Defacing of rocky outcrops and placement of memorial plaques, religious symbols or structures on natural features.	X	X	N/A
Graffiti, vandalism or damaging of municipal infrastructure.	X	X	N/A
Littering	X	X	N/A
Disposal of cigarette butts, ash or other hazardous materials in any place or manner other than a receptacle designated for such items	X	X	N/A
Dog walking / exercising of dogs in non- designated zones.	X	X	N/A

<b>SCHEDULE B</b>			
<b>ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT IN OVERSTRAND ENVIRONMENTAL OVERLAY ZONES</b>			
<b>A) Activities Only Permitted With Council Consent</b>	<b>Applicable Environmental Management Overlay Zone (EMOZ)</b>		<b>Applicable to the application or not</b>
	<b>Coastal</b>	<b>Protected Area Buffer</b>	
Permission for the utilization of access routes to permitted kelp / seaweed harvesting sites.	X		N/A
Removal or destruction of vegetation which is protected and/or of conservation concern.	X	X	N/A



## MOTIVATION

Dune maintenance on private land as per approved dune maintenance management plans.	X		N/A
Excavation and destruction or removal of substrate (soil, substrate, rock, shellgrit, dune sediment, mineral deposits).	X	X	N/A
Discharging of pool backwashing or untreated grey water or the channelling of storm water into open spaces without the necessary approval from the Municipality.	X	X	This is noted and all water will be managed on-site.
<b>B) Permit Upon Approval By Delegated Authority and / Receipt of Tariff</b>	<b>Applicable Environmental Management Overlay Zone (EMOZ)</b>		<b>Applicable to the application or not</b>
	<b>Coastal</b>	<b>Protected Area Buffer</b>	
Installation of conservancy tanks or biological treatment plants within 50 metres from the edge of a watercourse / wetland.	X	X	N/A
Access from private properties to open spaces, including the removal of vegetation and the establishment of paths, structures and infrastructure.	X	X	N/A
Commercial filming.	X	X	N/A
Construction or placement of any temporary object, building, shelter, path or structure.	X	X	N/A
Use of engine or motor driven vehicles, remotely piloted aircraft or any other means of transport or other conveyances beyond designated, demarcated and signposted areas.	X	X	N/A
Launching of vessels at registered launch sites.	X		N/A
<b>C) Council Authorisation Pending Consent Use Application / Lease Agreement / Applicable Tariffs as applicable</b>	<b>Applicable Environmental Management Overlay Zone (EMOZ)</b>		<b>Applicable to the application or not</b>
	<b>Coastal</b>	<b>Protected Area Buffer</b>	
Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.	X	X	N/A
Application for the designation of industrial sites and activities associated with the seaweed harvesting, collection, drying, transport and processing fishery.	X	X	N/A



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Encroachment of private buildings, structures, infrastructure, access routes.	X	X	The subject property is located within this zone.
Commercial Harvesting/collection and removal of any natural resource.	X	X	N/A
Construction or placement of any permanent object, building, shelter, pathway or structure.	X	X	The subject property is located within this zone.

### 11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The subject property is located within the Coastal Strip HPOZ, and the purpose of the zone is to ensure that any land use application resulting in additional rights complies with the existing character and contextual significance.

The proposal is not predicted to affect the coastal strip as the proposal is in line with the OMLUS's development parameters.

### 11.3 Spatial Planning Policies

This proposal is not in conflict with any provisions of the Western Cape Provincial Spatial Development Framework, 2014 or the Overstrand Spatial Development Framework, 2020.

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## 12. PLANNING PRINCIPLES

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Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

### Spatial justice

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal for a dwelling will not contribute to spatial injustices.

### Spatial sustainability

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal to construct a main dwelling will enable the property to be utilised to its proposed extent and no more. The proposed dwelling will comply with the OMLUS development parameters.

### Efficiency

This proposal is intended to maximise the usage of the subject property and ensure the property owner's requirements are met.

### Spatial resilience

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.



## MOTIVATION

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### **Good administration**

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process. The public participation process provides people who may be affected by the proposal with an opportunity to provide comment and to raise issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.



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### 13. EVALUATION

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The property owner bought the property to construct a dwelling house that has uninterrupted views of the South Atlantic Ocean, as illustrated in the annexed plans. There is however a restrictive condition that is more restrictive than the provisions of the OMLUS. The proposal is to remove the 3 m lateral restriction to be in line with the OMLUS. The removal of the restrictive title deed condition was motivated in terms of SPLUMA and LUPA.

The proposed land use is not out of context with the surrounding area and is not seen as an intrusive land use. The proposed dwelling house will also not impede on views, sunlight or negatively affect the character of the area. The proposal for a dwelling house is in harmony with all relevant spatial planning policies which illustrates that the property owner did not arbitrarily invent this proposal but had due consideration for relevant spatial planning policies.

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### 14. RECOMMENDATION

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

- 14.1 Removal of restrictive title deed condition** in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

Site Development Plan  
Erf 3770 Betty's Bay.

Scheme Building Line

Title Deed Building Line

Plan prepared by: Thian Jansen  
Based on plans from CHAMCAD  
All distances are approximate  
and subject to a survey  
Tel: 028 313 1411

Email: admin@wrapgroup.co.za  
Unit B, Standard House,  
Corner of Royal and Dirkie Uys  
Street, Hermanus, 7200



MORAEA ROAD 13,00

3769

3770

Scale 1 : 250

PROPOSED TITLE DEED BUILDING LINE ENCROACHMENT

balcony

3m Side Title Deed Building Line

2m Side Scheme Building Line

PROPOSED TITLE DEED BUILDING LINE ENCROACHMENT

Scale 1 : 50

HNGL: 13.25M

500mm overhang

NERI

