

**OVERSTRAND MUNISIPALITEIT
ONGEREGISTREERDE ERF 1929 ('N GEDEELTE
VAN ERF 599), BROADWAYSTRAAT & ERF
1930, COMMERCIALSTRAAT 1, PEARLY
BEACH: AANSOEK OM ONDERVERDELING,
HERSONERING, KONSOLIDASIE EN SLUITING
VAN 'N PUBLIEKE PLEK: MNRE WRAP PROJECT
OFFICE NAMENS OVERSTRAND
MUNISIPALITEIT EN DE PYP TRUST**

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Gewysigde Verordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die volgende aansoek van toepassing op bogenoemde erwe, naamlik:

1. onderverdeling van Erf 599, Pearly Beach in terme van Artikel 16(2)(d) van die Verordening ten einde 'n Gedeelte A ($\pm 300\text{m}^2$), Gedeelte B ($\pm 413\text{m}^2$) en 'n Restant ($\pm 9902\text{m}^2$) te skep;
2. sluiting van Gedeelte B (ongeregistreerde Erf 1929) as 'n publieke plek in terme van Artikel 16(2)(n) van die Verordening;
3. hersonering van Gedeelte A van Owerheidsone: Owerheidsgebruik en Gedeelte B van Vervoersone 2: Pad en Parkering (TR2B) na Algemene Residensiële sone 3: (GR4) in terme van Artikel 16(2)(a) van die Verordening, en
4. konsolidasie van Gedeelte A, Gedeelte B en Erf 1930 in terme van Artikel 16(2)(e) van die Verordening om 'n geskonsolideerde erf van $\pm 3050\text{m}^2$ in grote te skep.

Volle besonderhede rakende die voorstel hierbo is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentare moet skriftelik wees, u naam, adres, en kontakbesonderhede bevat, sowel as u belang in die aansoek en die redes vir kommentaar, welke kommentaar die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) moet bereik voor of op **25 Junie 2021**. Telefoniese navrae kan gerig word aan die Senior Stadsbeplanner, Mnr SW van der Merwe by 028 313 8900.

Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persone wat nie kan lees of skryf nie kan bogenoemde toepaslike Munisipale Departement besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

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

Munisipale Kennisgewing Nr.78/2021

**OVERSTRAND MUNICIPALITY
UNREGISTERED ERF 1929 (A PORTION OF
ERF 599), BROADWAY STREET & ERF 1930,
1 COMMERCIAL STREET, PEARLY BEACH:
APPLICATION FOR SUBDIVISION,
REZONING, CONSOLIDATION AND
CLOSURE OF A PUBLIC PLACE: MESSRS
WRAP PROJECT OFFICE ON BEHALF OF
OVERSTRAND MUNICIPALITY AND DE PYP
TRUST**

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 the above-mentioned erven, namely:

1. subdivision of Erf 599, Pearly Beach in terms of Section 16(2)(d) of the By-Law in order to create a Portion A ($\pm 300\text{m}^2$), Portion B ($\pm 413\text{m}^2$) and a Remainder ($\pm 9902\text{m}^2$);
2. closure of Portion B (unregistered Erf 1929) as a public place in terms of Section 16(2)(n) of the By-Law;
3. rezoning of Portion A from Authority Zone: Authority Usage and Portion B from Transport Zone 2: Road and Parking (TR2B) to General Residential Zone 3: (GR4) in terms of Section 16(2)(a) of the By-Law; and
4. consolidation of Portion A, Portion B and Erf 1930 in terms of Section 16(2)(e) of the By-Law to create a consolidated erf of $\pm 3050\text{m}^2$ in extent.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, 16 Paterson Street, Hermanus and Gansbaai Library, Main Road, Gansbaai. Any comment must be in writing, quoting your name, address and contact details, as well as your interest in the application and the reasons for comment, which comment must reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **25 Junie 2021**. Telephonic enquiries can be made to the Senior Town Planner, Mr SW van der Merwe at 0283138900.

The Municipality may refuse to accept comments received after the closing date. Any persons who cannot read or write may visit the above appropriate Municipal Department where a Municipal official will assist them in formulating their comment.

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

Municipal Notice No. 78/2021

**MASIPALA WASE-OVERSTRAND
ISIZA ELINGABHALISWANGA 1929 (ISAHLULO
SESIZA 599) ISITRATO SE BROADWAY &
ISIZA 1930 ISITRATO SE 1 COMMERCIAL,
EPEARLY BEACH: ISICELO SOKWAHLULA-
HLULA, UKUCANDWA NGOKUTSHA,
UKUHLANGANISA KWAYE NOKUVALWA
KWENDAWO YOLUNTU: ABAKWA WRAP
PROJECT OFFICE EGAMENI LIKA
OVERSTRAND MUNICIPALITY KWAYE DE PYP
TRUST**

Isaziso sikhutshwa ngokwemiqathango yeSoloty 47 kwaye 48 loMthethwana oTshintshweyo kaMasipala waseOverstrand woYilo lokuSetyenziswa koMhlaba wowama-2020 (uMthethwana) ngokwezicelo esifunyanweyo esichaphazela ezi ziza zikhankanywe apha ngasentla, ezizezi:

1. ukwahlula-hlula Isiza 599, ePearly Beach ngokwemiqathango yeSoloty 16(2)(d) yaloMthethwana ukudala iNxalenye A ($\pm 300\text{m}^2$), iNxalenye B ($\pm 413\text{m}^2$) kwaye neNtsalela ($\pm 9902\text{m}^2$);
2. ukuvalwa kweNxalenye B (isiza elingabhaliswanga 1929) njengendawo yoluntu ngokwemiqathango yeSoloty 16(2)(n) yaloMthethwana;
3. ukucandwa ngokutsha kweNxalenye A ukusuka kwiNdawo yeGunya: Ukusetyenziswa kweGunya kwaye neNxalenye B ukusuka kwindawo yoThutho 2: Indlela nePaki (TR2) ukuya kwiNdawo yokuHlala ngokuBanzi: (GR4) ngokwemiqathango yeSoloty 16(2)(a) yaloMthethwana;
4. ukuhlanganisa kunye kweNxalenye A, iNxalenye B kunye neSiza 1930 ngokwemiqathango yeSoloty 16(2)(e) yaloMthethwana ukudala isiza esihlanganisiweyo esilinganisa $\pm 3050\text{m}^2$ ubukhulu.

Iinkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: loCwangciso lweDolophu, 16 Paterson Street, Hermanus kwaye nakwiThala Leencwadi laseGansbaai, eMain Road, eGansbaai. Nawuphi na umbono kufuneka ubhalwe, ucaphule igama lakho, idilesi kunye neenkukacha zonxibelelwano, umdla kwisicelo, kunye nesizatho sokuphawula. Ezezimvo kufuneka zifike kumasipala e (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye phambi komhla ka **25 iJuni 2021**. Imibuzo ngefowuni ingathunyelwa kuMwangcisi weDolophu, uMunu SW van der Merwe kule nombolo yomnxeba 028-313 8900.

UMasipala angala ukuthatha izimvo ezifunyeneyo emva komhla wokuvulwa. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe lokuCwangcisa lweDolophu apho igosa likamasipala liza kuncedisa ukuze ukwazi ukuqulunqa uluvo lwakho.

UMiawuli kaMasipala, uMasipala wase-Overstrand, P.O. Box 20, HERMANUS, 7200

Isaziso sikaMasipala esinguNombolo. 78/2021

Plan 1: Locality Plan

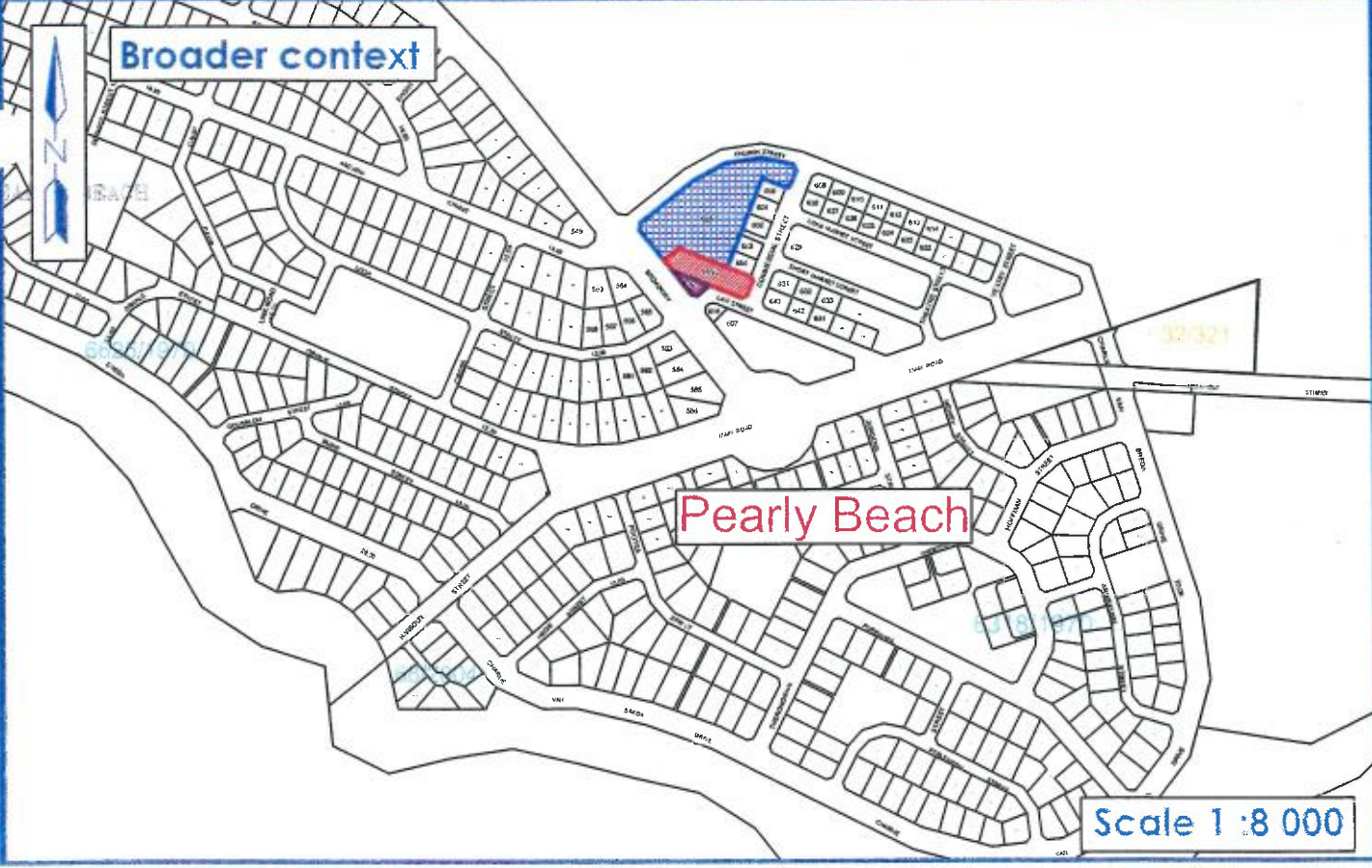
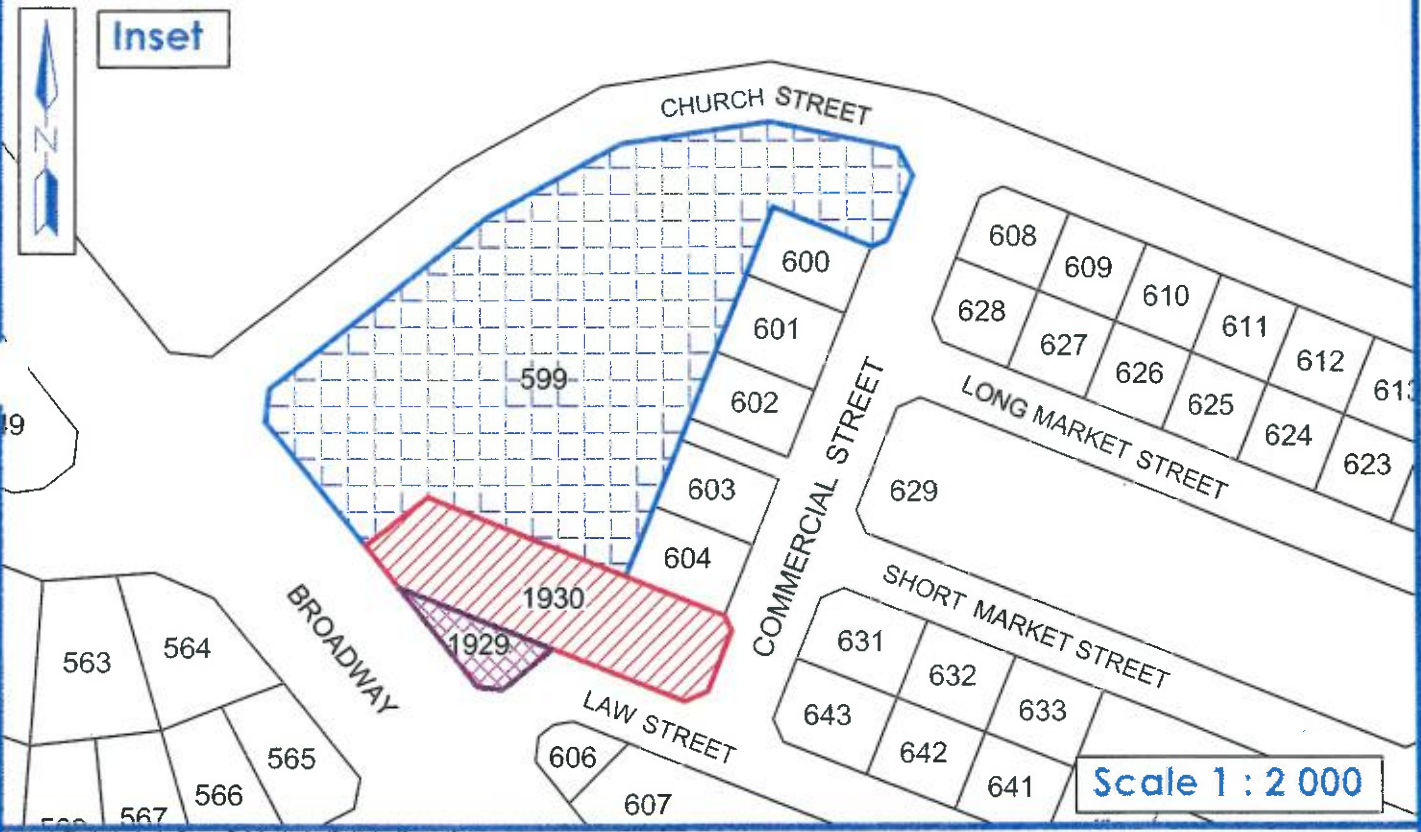
Erven 599, 1930 and Unregistered Erf 1929 (A Portion of Erf 599) Pearly Beach

-  Erf 1930 Pearly Beach (2337m²)
-  Erf 599 Pearly Beach (10202m²)
-  Unregistered Erf 1929 (A Portion of Erf 599) (413m²)

Tel: 028 313 1411
 Email: admin@wrapgroup.co.za
 Plan 1.1
 Unit B, Corner of Royal and Dirkie Uys Street Hermanus, 7200
 Plan prepared by: Reatlehile Jankie
 All distances are approximate and subject to a survey



Project Office
 Town Planning & Project Management





EXECUTIVE SUMMARY

1. ABBREVIATIONS

1.1	OMLUS	Overstrand Municipality Land Use Scheme, 2020
1.2	SDF	Overstrand Municipality Spatial Development Framework, 2020
1.3	OMGMS	Overstrand Municipal Growth Management strategy, 2010
1.4	OM	Overstrand Municipality
1.5	OM By-Law	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (as amended)
1.6	LUPA	Land Use Planning Act, 2014
1.7	DEADP	Western Cape Department of Environmental Affairs and Development Planning
1.8	PSDF	Western Cape Provincial Spatial Development Framework, 2014
1.9	SDP	Site Development Plan
1.10	AU	Authority Zone: Authority Usage
1.11	TR2 B	Transport Zone 2: Road and Parking
1.12	GR4	General Residential Zone 3: Flats Bulk Zone 2

2. SUMMARY OF STATUS QUO PROPERTY DETAILS

	Property description	Erf 599 Pearly Beach	Unregistered Erf 1929 (a Portion of Erf 599) Pearly Beach	Erf 1930 Pearly Beach
2.1	Extent	10 202m ²	413m ²	2 337m ²
	Current zoning	Authority Zone: Authority Usage	Transport Zone 2: Road and Parking	General Residential Zone 3: Flats Bulk Zone 2
2.2	Registered owner	Overstrand Municipality	Overstrand Municipality	De Pyp Trust
2.3	Consultant	WRAP Project Office	WRAP Project Office	WRAP Project Office
2.4	Restrictive title deed conditions	None	None	None
2.5	Applicability of an administrative penalty	Not applicable	Not applicable	Not applicable
Applicable policies and regulations				
2.6	SDF		Yes	
2.7	OMGMS		Yes	
2.8	OMLUS		Yes	



3. DEFINITIONS PERTINENT TO THIS PROPOSAL

		Definition
3.1	Rezoning	<i>Means an amendment in order to effect a change of zoning in relation to a particular portion of land to another zoning provided for in the land use scheme.</i>
3.2	Subdivision	<i>Means the division of a land unit into more land units and includes any physical activity on the land to prepare the land for subdivision but does not include the preparation of a subdivision plan.</i>
3.3	Consolidation	<i>Means the process of preparing a diagram for approval by the Surveyor General from two or more diagrams (which represent at least two contiguous representing several pieces of land), which has been prepared for the purpose of obtaining a certificate of consolidated title thereto from the Registrar of Deeds, and "consolidate" has the same meaning.</i>
3.4	Closure of a public place	<i>A request that has the effect of prohibiting persons from entering a public place. A public place means any open or enclosed place, park, street, road or thoroughfare or other similar area of land shown on a general plan or diagram that is for use by the general public and is owned by, or vests in the ownership of a Municipality, and includes a public open space and a servitude for any similar purpose in favour of the general public.</i>
3.5	Servitude	<i>Means a limited real right registered in the Deeds Office against the title deed of the property of a person in favour of another person or entity. The holder of the servitude (right) will therefore be entitled to exercise some right on the property of another.</i>

4. BACKGROUND AND APPLICATION PURPOSE

- 4.1** Erf 1930 Pearly Beach is improved with self-catering units that are rented out on a short-term rental basis to tourists and trades under the name of Pearly Stay;
- 4.2** The owner of Erf 1930 Pearly Beach (hereafter referred to as the applicant) applied to the Overstrand Municipality (OM) to purchase two portions of municipal properties described in this application as Portion A (±300m²) (a portion of Erf 599, Pearly Beach) and Portion B (±413m²) which is currently unregistered Erf 1929 (a Portion of Erf 599), Pearly Beach (refer to **Plan 3**);
- 4.3** The OM approved the sale of the two portions of municipal properties to the applicant on 28 October 2020;
- 4.4** The alienation of the two portions to the applicant was approved on the ground of the portions being classified by the OM as non-viable properties;
- 4.5** This approval was granted on condition that the applicant appoints a town planner to submit a planning application for the consolidation of the two portions of land with Erf 1930 Pearly Beach and the properties being conferred with appropriate land use rights. WRAP Project Office has therefore been appointed by the applicant to comply with this condition of the sale;

- 4.6 Once the land use planning approvals are obtained:
 - 4.6.1 A land surveyor to do the necessary survey and submit the subdivision and consolidation diagrams to the Surveyor General for approval; and
 - 4.6.2 A conveyancer will register the consolidated portion of land at the deeds office.

5. APPLICANTS INTENT

The applicant's intent will be motivated in conjunction with figure 1 below.

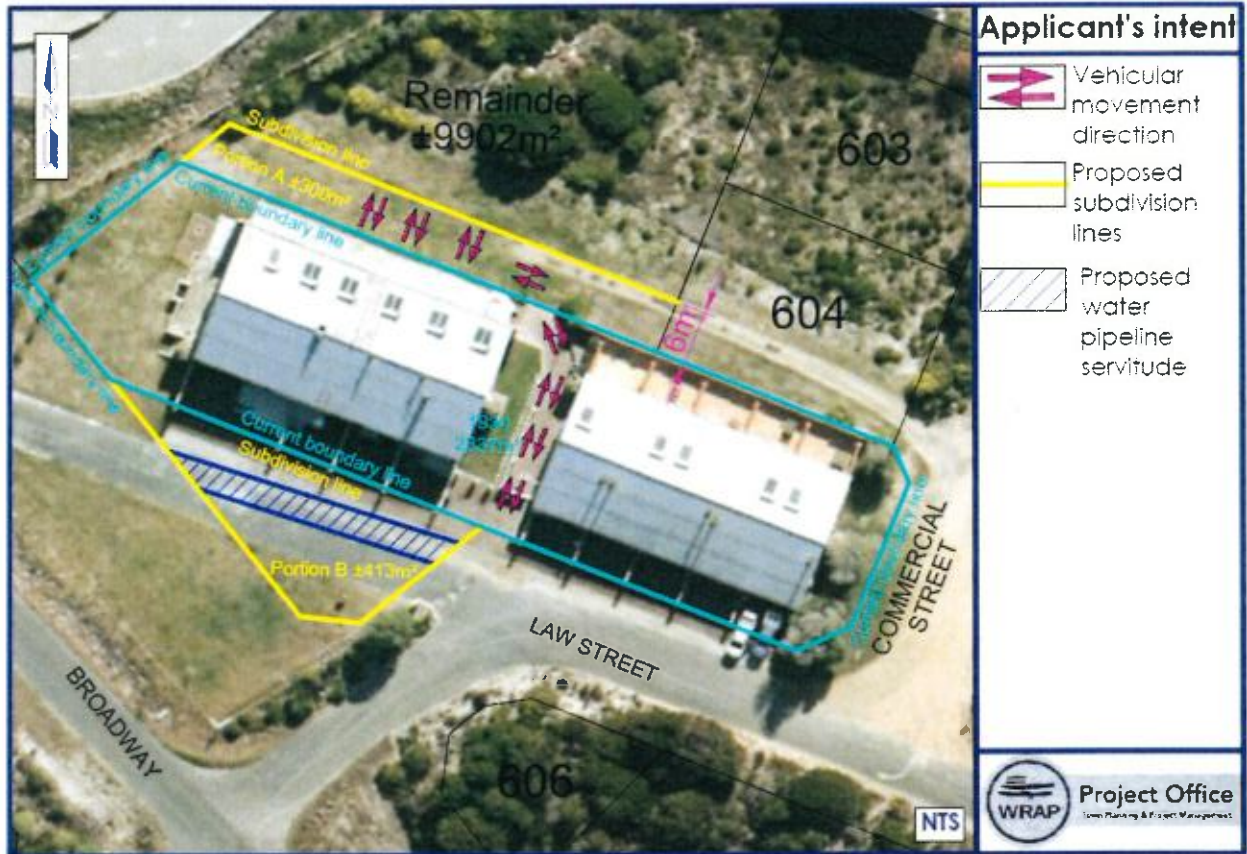


Figure 1: Depiction of the applicant's intent.

- 5.1 The rationale for the proposed subdivision of Portion A and consolidation thereof with Erf 1930 Pearly Beach are the following:
 - 5.1.1 Vehicular access and flow are proposed as depicted by the arrows in figure 1. The northern section of Erf 1930 is improved with garages and there is currently insufficient manoeuvring space in front of the garages for vehicles to comfortably exit the subject premises in first gear thereby making vehicular movement on the subject property difficult. The rationale for the proposed subdivision of Portion A and consolidation with Erf 1930 Pearly Beach is to add a 6m wide strip of land in order to widen the existing manoeuvring space; and
 - 5.1.2 The applicant has no intension to construct any buildings on Portion A or commercialisation thereof.



- 5.2 The rationale for the proposed subdivision of Portion B and consolidation thereof with Erf 1930 Pearly Beach are the following:
- 5.2.1 Portion B is intended to be used as a personal leisure space for the occupants of Erf 1930 Pearly Beach;
 - 5.2.2 There is a municipal water pipeline traversing the parcel of land as delineated in figure 1. As the ownership of the portion of land will change from municipal to private, a servitude needs to be registered in favour of the OM;
 - 5.2.3 The proposed pipeline servitude will not affect the use thereof by the applicant as it is a condition of the sale that no construction may take place on the property; and
 - 5.2.4 According to the Status Report from the Surveyor General, Portion B is a public place, previously used as a street. The street was however re-routed and closure of the portion as a public place would not affect the public in any way.
- 5.3 The applicant has carefully considered the factors above before applying for the purchase of Portion A and Portion B.

6. PROCEDURE TO ACHIEVE THE APPLICANT'S INTENT

WRAP was appointed to compile and submit a land use planning application to materialise the envisaged applicant's intent highlighted under Section 5 of this report. The following is proposed to achieve this:

- 6.1 **Subdivision of Erf 599 Pearly Beach in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended, to create the following:**
- 6.1.1 **Portion A ($\pm 300\text{m}^2$):**
 - 6.1.2 **Portion B which is currently unregistered Erf 1929 (a Portion of Erf 599) ($\pm 413\text{m}^2$):**
and
 - 6.1.3 **The Remainder of Erf 599 (9902m^2).**
 - 6.1.4 The rationale for the proposed subdivision of Portion A and Portion B is to consolidate the parcels of land with Erf 1930 Pearly Beach to improve the manoeuvring space and to increase the outside garden to be used by the occupants on Erf 1930 Pearly Beach;
 - 6.1.5 The consolidation will increase the size of Erf 1930 with approximately 30.0%;
 - 6.1.6 No construction will take place on any of the portions purchased and therefore there will be no visual change on the subject property, except for a new boundary wall along the new proposed cadastral boundaries.
- 6.2 **Closure of Portion B (currently unregistered Erf 1929 (a Portion of Erf 599)) as a public place in terms of Section 16(2)(n) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended.**
- 6.2.1 The subsections listed in table 1 below were extracted from Section 37 of LUPA and highlight the relevant considerations that the Municipality must consider when closing a public place. The motivation for the closure of Portion B as a public place will therefore be done in conjunction with the prescripts of the relevant subsections:



Sub section number	Content	Motivation
(6)(a)	"Make provision for the payment of compensation to a person who has suffered loss or damage as a result of the permanent closure of the public place."	This proposal will not lead to any damage or loss for surrounding property owners. Portion B was use as a road before, but the road was re-routed, and the section of road fell in disuse. Considering this, no compensation needs to be paid to anyone.
(6)(a)	"Regulate the ownership of the land following the permanent closure of the public place."	After consolidation of the two portions of land with Erf 1930, the ownership of the closed public place will change to the applicant and all responsibilities related to the consolidated property will be transferred to the applicant.

Table 1: Assessment of the closure of a public place.

6.2.2 The proposed Portion B cannot serve any other purpose apart from being consolidated with Erf 1930 Pearly Beach thereby making this proposal the most feasible use of the land.

6.3 Rezoning Portion A from Authority Zone: Authority Usage to General Residential Zone 3: Flats Bulk Zone 2 in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended.

6.3.1 The rationale for the proposal for Portion A to be rezoned from AU to GR4 is to ensure that the erf has the same zoning as Erf 1930 Pearly Beach;

6.3.2 It would also be impractical for Portion A to retain this zoning as the intended use thereof to serve as manoeuvring space for Erf 1930 Pearly Beach which is a residential property would contravene the land use rights as prescribed in the AU zoning;

6.3.3 The proposed GR4 zoning allows for on-site manoeuvring space for the vehicles that enter and egress the property thereby being the most appropriate zoning; and

6.3.4 Only a wall or fence will be constructed along the cadastral boundary of Portion A and will therefore not have a significant change in the appearance of the subject property.

6.4 Rezoning Portion B from Transport Zone 2: Road and Parking to General Residential Zone 3: Flats Bulk Zone 2 in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended.

6.4.1 The rationale for the proposal for Portion B to be rezoned from TR2 B to GR4 is to ensure that the erf has the same zoning as Erf 1930 Pearly Beach;



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- 6.4.2** The zoning of TR2 B covers the land use right of a public road and public parking as primary rights. Considering that Portion B is proposed for closure and that the use will no longer be for public purposes but for private use, necessitates this rezoning proposal;
- 6.4.3** The proposed Portion B is primarily intended to function as the leisure space for the occupants on Erf 1930 Pearly Beach and conforms to the primary rights that are conferred in the GR4 zoning; and
- 6.4.4** There is an existing fence on the subject property that is erected along the cadastral boundary of Portion B and will therefore retain the visual contribution of the subject property.
- 6.5 Consolidation of Portion A ($\pm 300\text{m}^2$), Portion B (currently unregistered Erf 1929 (a Portion of Erf 599) ($\pm 413\text{m}^2$)) and Erf 1930 Pearly Beach ($2\,337\text{m}^2$) to create a consolidated erf ($\pm 3\,050\text{m}^2$) in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended.**
- 6.5.1** The rationale for the proposed consolidation is since it would be unfeasible for Portion A and Portion B to not be consolidated with Erf 1930 as the intention is for the land unit to function as one with the necessary land use rights as discussed in subsection 6.3 and 6.4; and
- 6.5.2** The proposed consolidation is in harmony with the general size of erven within proximity thereof and can therefore not be regarded as out of character.
- 6.6 Exemption of the registration of a 3m wide water pipeline servitude measuring ($\pm 93\text{m}^2$) over the consolidated erf in favour of the Overstrand Municipality in terms of Section 26 (1) (h) (i) By-Law on Municipal Land Use Planning Act, 2015 as amended.**
- 6.6.1** There is an existing municipal water pipeline that traverses the erf; (refer to **Plan 5**).
- 6.6.2** The location of the pipeline was confirmed and provided by Mr Dinovan Mackenzie of the Gansbaai Administration;
- 6.6.3** The servitude will ensure that the water pipeline is secured; and
- 6.6.4** The proposed registration of the water pipeline servitude is not an application, but it is included in this application to confirm the exemption thereof.

7. APPLICATION

Considering the applicants intent highlighted in Section 4 and 5 the following is applied for:

- 7.1 Subdivision** of Erf 599 Pearly Beach in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended into the following:
- 7.1.1** Portion A ($\pm 300\text{m}^2$);
- 7.1.2** Portion B (currently unregistered Erf 1929, (a Portion of Erf 599) ($\pm 413\text{m}^2$)); and
- 7.1.3** The Remainder of Erf 599 (9902m^2).
- 7.2 Closure** of Portion B (currently unregistered Erf 1929 (a Portion of Erf 599)) as a public place in terms of Section 16(2)(n) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended;
- 7.3 Rezoning** of Portion A from Authority Zone: Authority Usage to General Residential Zone 3: Flats Bulk Zone 2 in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended;

File 21/23

Erven 599, Unregistered Erf 1929 (a Portion of Erf 599) and Erf 1930, Pearly Beach
March 2021



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- 7.4 Rezoning** of Portion B from Transport Zone 2: Road and Parking to General Residential Zone 3: Flats Bulk Zone 2 in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended; and
- 7.5 Consolidation** of Portion A ($\pm 300\text{m}^2$), Portion B (currently unregistered Erf 1929 (a Portion of Erf 599) ($\pm 413\text{m}^2$)) and Erf 1930 Pearly Beach ($2\,337\text{m}^2$) to create a consolidated erf ($\pm 3\,050\text{m}^2$) in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended.

8. LAND USE FABRIC EVALUATION

The alignment of this proposal with the surrounding land use fabric was evaluated and informed by figures 1 and 2.

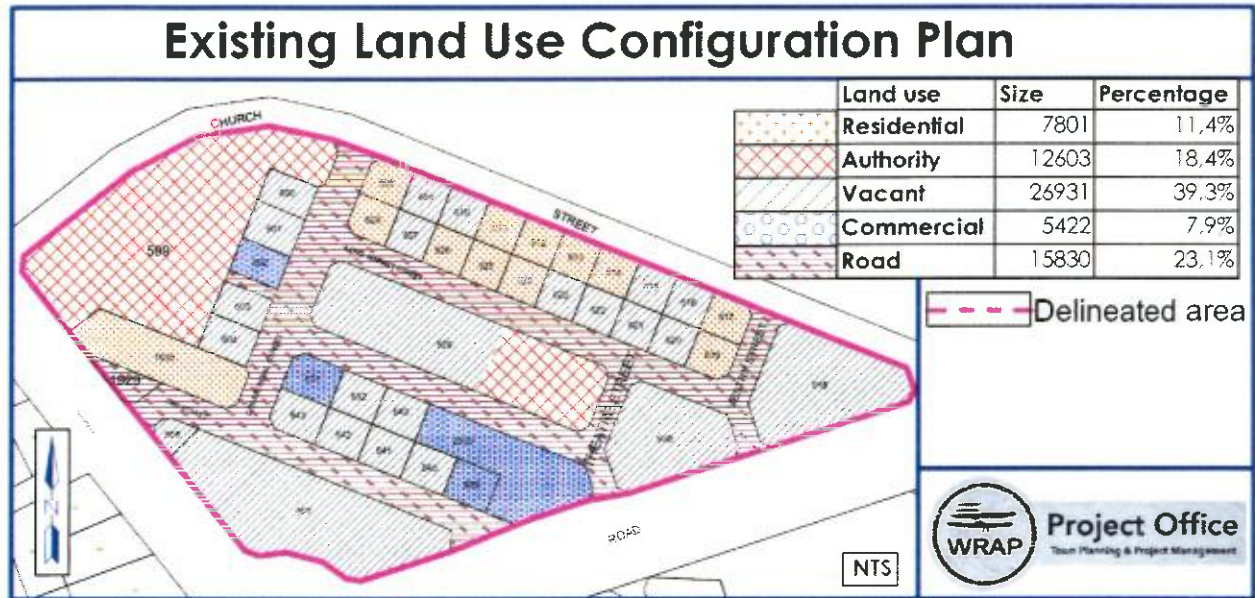


Figure 2: Existing land use configuration.

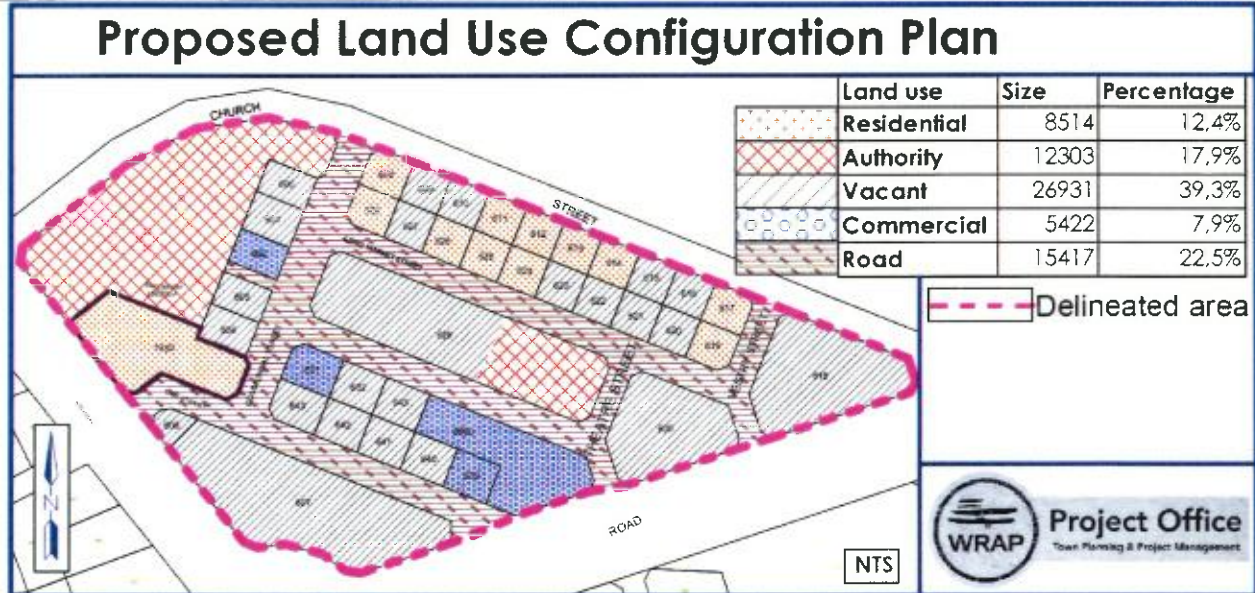


Figure 3: Proposed land use configuration.

- 8.1** The evaluation of figures 2 and 3 in reveals the following:
- 8.1.1** This delineated area is characterised by the highest mixed land uses in Pearly Beach and this development proposal is in harmony with the mixed land uses prevalent in the area; and
 - 8.1.2** This proposal is currently abutted by a road, vacant erf and authority usage. The approval and implementation of this proposal will therefore retain this land use configuration in terms of the land uses abutted by this property.
- 8.2** The impact of this development proposal on the land use percentages in the delineated area will be the following:
- 8.2.1** The road land use allocation will be decreased from 23,1% to 22,5%;
 - 8.2.2** The authority land use allocation will be decreased from 18,4% to 17,9%; and
 - 8.2.3** The residential land use allocation will be increased from 11,4% to 12,4%.
- 8.3** The marginal changes in the land use composition within the delineated area is insignificant and no impact is anticipated.

9. ERF SIZE AND SHAPE EVALUATION

The alignment of this proposal with the erf sizes of the immediate surroundings was evaluated and informed by figure 4.

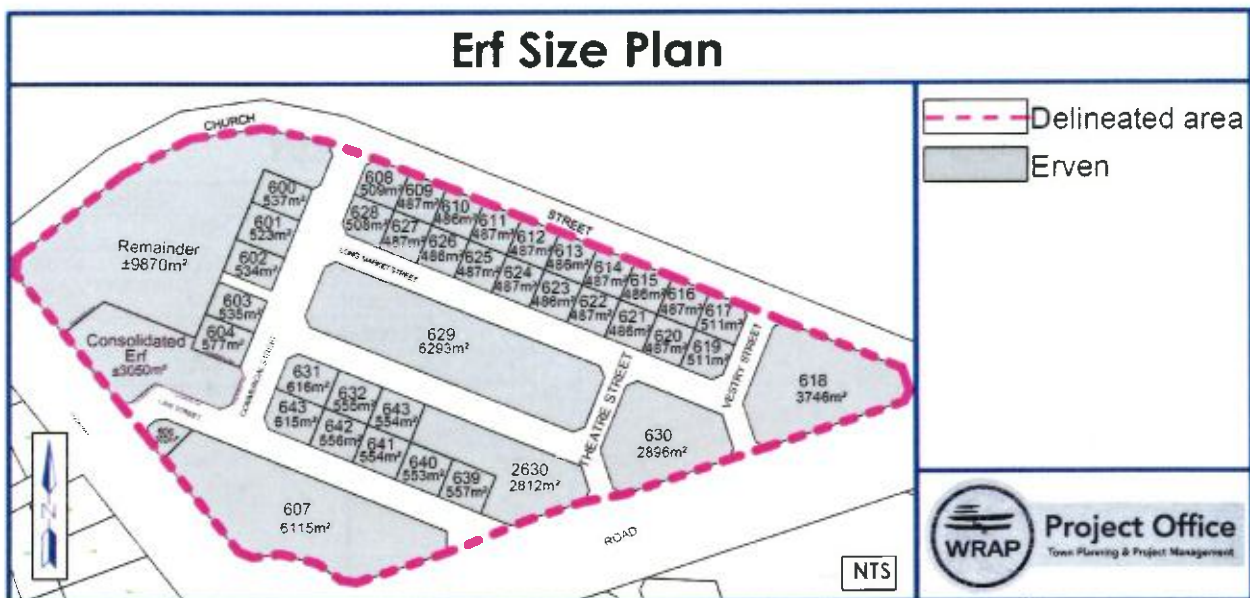


Figure 4: Erf size plan.

- 9.1** An evaluation of the erf sizes within the delineated area reveals the following:
- 9.1.1** The erf sizes range from 302m² to 9 870m². This proposal, that entails an increase in the size of Erf 1 930 Pearly Beach from 2 337m² to 3 050m² is within this erf size range of the delineated area; and
 - 9.1.2** The form of the erven in the delineated area are characterised by square and rectangular erven in the centre and erven that have irregular shapes on the

File 21/23

Erven 599, Unregistered Erf 1929 (a Portion of Erf 599) and Erf 1930, Pearly Beach
March 2021



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periphery. The reason for the irregular shapes on the periphery is due to the shape of the delineated area almost being triangular thereby necessitating irregularly shaped erven on the periphery. This proposed shape of the subject erf is in harmony with the irregular shape of erven located on the edge of the delineated area.

9.2 It has been illustrated that this development proposal is in harmony with the erf size and shape of the delineated area and conforms to the character of the area.

10. TITLE DEED

Title deeds T40186/1994 and T8063/2016 were perused and there are no restrictive title deed conditions that prohibit the approval and implementation of this proposal.

11. ZONING

Portion A and Portion B are proposed to be zoned GR4 and the applicant has no intention of constructing any buildings thereon. The consolidation of these erf portions with Erf 1930 Pearly Beach will therefore only reduce the coverage and density of the site as the consolidated erf will be larger thereby not contravening the development parameters applicable on the property.

12. REGULATORY REQUIREMENTS

12.1 EMOZ

The subject properties are not designated as environmentally sensitive in the EMOZ.

12.2 HPOZ

The subject properties are not designated as heritage sensitive in the HPOZ.

13. SERVICES AVAILABILITY

The availability of services on the subject property can be illustrated as follows:

13.1 Solid waste

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

13.2 Water

The existing building is connected to the reliable potable water network that is supplied by the OM.

13.3 Sewage

The existing building is connected to an existing conservancy tank.

13.4 Electricity

The existing building is connected to the existing electricity network in Pearly Beach.



13.5 Access and egress

The approval and implementation of this proposal will result in the status quo with regards to access being retained.

14. SPLUMA MOTIVATION REQUIREMENTS

In terms of the requirements of SPLUMA which a relevant consideration in terms of Section 42 (c), the application is motivated as follows:

14.1 Public interest

The value of the subject property will increase as the consolidated erf will be larger than the existing Erf 1930 Pearly Beach. This will lead to the OM collecting higher rates that will be used towards service delivery which are in the public interest.

14.2 Constitutional transformation imperatives of the state

The constitutional transformation imperative of the state includes creating an enabling environment for property owners to occupy respective properties in comfort. This proposal will increase the comfort with which the subject property will be occupied as vehicles will manoeuvre on-site with greater ease and there will be more space on the property that occupants can use to relax. The approval and implementation of this proposal will therefore contribute towards the constitutional transformation imperatives of the state.

14.3 Respective rights and obligations of all those affected

The approval and implementation of this proposal do not include any additional construction work on the subject property and will therefore retain the scale and land uses prevalent on the subject property. The land use rights of surrounding property owners will therefore not be impacted upon.

15. POLICY FRAMEWORK

15.1 The consistency and inconsistency of this proposal with the applicable spatial development policies will herewith be illustrated. The spatial policies which are pertinent to the submitted proposal are the following:

	Applicable policy	Authority
15.1.1	Western Cape Provincial Spatial Development Framework, 2014 (PSDF)	Provincial
15.1.2	Overstrand Municipality Spatial Development Framework, 2020 (SDF)	Municipal
15.1.3	Overstrand Municipal Growth Management Strategy, 2010 (OMGMS)	Municipal

15.2 PSDF

15.2.1 Policy preface

The PSDF is a product of a provincial inter-departmental and inter-governmental collaboration under the guidance of the inter-departmental steering committee in collaboration with the private sector, academia, and non-governmental organisations. This



broad participatory process has created a shared spatial vision that is intended to inform spatial development patterns in urban and rural areas in the province.

15.2.2 Broad framework objectives

The objective of the policy is to create an enabling policy environment that prioritises the creation of employment opportunities, social inclusion and improvement of the quality of life of the Western Cape inhabitants. The development principles in the PSDF are informed by other spatial planning policies which are aimed at creating a policy alignment between different spheres of government. This is intended to ensure that spatial development is uniformly guided according to spatial development principles which have been agreed upon by the stakeholders.

15.2.3 Consistency of the proposal with the framework

15.2.3.1 The PSDF promotes the better protection of spatial assets. Portion A and Portion B currently belong to the OM but have no viable use for the OM or the public. This proposal for portions of land to be in the ownership of the applicant will encourage the applicant to continually maintain the properties thereby protecting this spatial asset from the prospect of being derelict;

15.2.3.2 The policy highlights that places where people live need to be improved. This proposal for the subject property to have more gardening space and more manoeuvring space on the property will contribute towards improving the living conditions of the occupants as prescribed by the policy;

15.2.3.3 The PSDF promotes the establishment of a variety of tenure options that accommodate people from different income groups. The existing flats on the subject property are the only flats available in Pearly Beach thereby providing more affordable living options for people who cannot afford to rent Single Residential properties for holidays or weekends. This proposal, to increase the garden space and manoeuvring space of occupants on the subject property is therefore integral in enhancing the viability of the existing block of flats and make it more attractive for income groups that are not served by the existing tenure options that are available in the neighbourhood.

15.3 SDF

15.3.1 Framework preface

The SDF intends to ensure compliance with national, provincial and district legislation policies and principles. The SDF aims to provide sufficient guidance regarding what constitutes appropriate spatial development, land uses and direction within the urban edge. The SDF was drafted after considering input from other state departments and the public and provides a shared spatial vision which development proposals should ideally attempt to synchronise with.

15.3.2 Broad framework objectives

The broad framework objectives of the SDF include enhancing the image of the Overstrand as a liveable urban and rural area that accommodates a variety of life. Development proposals should also capitalise on the unique sense of place which settlements and urban areas in the Overstrand are renowned for. The SDF promotes developments that enhance the visual quality and attraction of the built environments while preserving the social and cultural attributes which are valued by inhabitants.



15.3.3 Consistency of the proposal with the framework

- 15.3.3.1** The framework cites that the rural character of Pearly Beach needs to be maintained. The approval and implementation of this proposal does not entail any additional construction work on the subject property and will thereby retain the existing rural character of Pearly Beach as prescribed by the framework;
- 15.3.3.2** The framework promotes tourism development that is based on the ecological and heritage value of the region. The subject property is also rented out for self-catering purposes by the applicant and the tourists have access to the plethora of areas that are of ecological value such as the ocean, nature reserves and mountains and collectively enhance the viability of the existing tourism establishment; and
- 15.3.3.3** The subject properties are designated for urban development in the SDF. The SDF highlights that the primary land uses that are envisaged for new urban development areas will include residential development with the required community facilities as well as potential mixed-use development. This proposal that entails rezoning Portion A and Portion B to GR4 and for the portions to be consolidated with Erf 1930 Pearly Beach is in harmony with the urban development designation that is applicable on Erven 599, Unregistered Erf 1929 (a Portion of Erf 599) and Erf 1930 Pearly Beach.

15.4 OMGMS

15.4.1 Strategy preface

The strategy was created to manage the urban growth of the OM where densification would play a pivotal role in the effective implementation of infrastructure and community facilities provision. The policy carefully considered market cycles, municipal budgeting and capital spending. Although the OMGMS was repealed, the document is currently a policy of Council and is in the process of being reviewed and this development proposal will be evaluated in conjunction with the development proposals that are pertinent to the subject property.

15.4.2 Broad policy objectives

The policy acknowledges that low densities are expensive and inefficient and that certain economic activities can only be attained once densities reach a certain threshold. The overall rationale for the document is to create an enabling environment for residents in the OM to attain an enhanced quality of life.

15.4.3 Consistency of the proposal with the policy

- 15.4.3.1** The subject property is located in Planning Unit 4 and the policy promotes the site consolidation of an assumed area of 50% of the planning unit. This proposal that also entails a consolidation of Portion A, Portion B and Erf 1930 Pearly Beach is in harmony with this development proposal;
- 15.4.3.2** The spatial proposal plan designates Erf 1930 Pearly Beach as a local economic opportunity. This proposal does not entail the alteration of the existing land use rights on the property that are characterised by units being rented out to tourists. Considering that the approved land use is not proposed for alteration, no deviation from the OMGMS will be necessary;



- 15.4.3.3** Portion A is designated as a residential densification zone of more than 30 dwelling units a hectare. The zoning of Portion A is currently AU and is in contrast with this land use designation. This proposal for the rezoning of the property from AU to GR4 and the consolidation thereof with a property that is zoned GR4 is in harmony with this spatial proposal pertinent to the property; and
- 15.4.3.4** Portion B is designated as a residential densification zone of more than 30 dwelling units a hectare. The zoning of Portion B is currently TR2 B and is in contrast with this land use designation. This proposal for the rezoning of the property from TR2 B to GR4 is in harmony with this spatial proposal pertinent to the subject property.

NB: It has been illustrated that the proposed subdivision, closure of a public place, rezoning and consolidation have not been arbitrarily invented but were informed and guided by relevant policy prescripts of the OM.

16. PLANNING PRINCIPLES

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:

16.1 Spatial justice

Spatial justice in the context of land use planning refers to addressing spatial development imbalances caused by apartheid planning. Apartheid planning was generally characterised by a land use planning system that was relatively rigid and did not fully enable the creation of optimally viable and functional settlements. The approval of this proposal would symbolise the use of planning and land use management systems as a tool that would contribute towards the general viability of the subject property and would constitute a departure from apartheid planning and is therefore a hallmark of spatial justice.

16.2 Spatial sustainability

Spatial sustainability refers to development proposals that enable the creation of viable communities. This proposal primarily relates to improving the quality of life on the subject property as the occupants will use vehicles to manoeuvre with ease and have additional space that will be available on-site for gardening purposes. This contributes to the general viability of the subject site and is therefore a hallmark of spatial sustainability.

16.3 Efficiency

Efficiency in the context of land use planning refers to the need to enable urban areas to optimally make use of space, land and resources. Portion A and Portion B currently have no use or value for the OM or the public. This proposal that entails Portion A and Portion B being transferred into the ownership of the applicant to be used for vehicle manoeuvring space and for gardening purposes entails the optimal use of space and land and is therefore a hallmark of efficiency.



16.4 Spatial resilience

Spatial resilience in the context of land use planning refers to spatial plans, policies and land use management systems that should enable the communities to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner. This proposal is aligned with the spatial resilience principles contained in the PSDF, SDF and OMGMS.

16.5 Good administration

The OM has a credible track record of good administration regarding the method of public participation which accepts comments from the public to make an informed decision as well as complying with the prescribed time frames pertaining to the processing of applications.

17. 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 follows:

17.1 Need and desirability

Desirability also refers to two components where need refers to "time" and desirability refers to "place". In other words, is it the right time and is it the right place for locating the type of land use/activity being proposed?

17.1.1 This proposal is submitted at the right time as the applicant is responding to some complaints that have been submitted by occupants regarding the insufficient manoeuvring pace on the subject property and the insufficient outdoor space that can be used for relaxation purposes; and

17.1.2 The existing Portion A and Portion B are both adjacent to Erf 1930 Pearly Beach and the consolidation thereof with the subject property is a proposal made at the right place.

17.2 Compatibility with surrounding land uses

Section 8 of this motivation report has illustrated that this development proposal is in harmony and compatible with the surrounding land use fabric and erf sizes of the area.

17.3 Impact on views, sunlight and character of the area

This development proposal does not entail any alteration to the size of the existing building on the subject property and will therefore not unlock any additional impact on views, sunlight or significantly alter that character of the site apart from a boundary wall or fence erected along the proposed boundary along Portion A.

17.4 Economic impact

The availability of sufficient manoeuvring on the subject site and larger gardening space will increase the viability of the subject property as a self-catering tourism enterprise due to the improved living environment that will be accrued with the approval and implementation of this proposal. This therefore has the potential to increase the occupancy, increase revenues and possibly increase the number of employees. This therefore has the



potential to increase the contributions of the applicant towards SARS and is in the public interest.

17.5 Impact on safety, health and wellbeing of the surrounding community

The proposed Portion B will be used by the occupants to relax and will be surveillance into the street and is projected to positively impact on safety by discouraging crime thereby contribute towards the wellbeing of the surrounding community.

17.6 Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or forgoing valued land use rights of interested and affected parties when an application is approved. Considering that the applicant will not do any construction work on Portion A and Portion B, no additional land uses, or impact will be unlocked through this proposal, thereby ensuring that no opportunity cost will accrue.

17.7 Impact on heritage

None of the provisions in the National Heritage Resources Act, 1999 are triggered by this proposal.

17.8 Environmental impact

No listed activities in terms of the National Environmental Management Act are triggered by this proposal.



18. EVALUATION








- 18.1** This proposal is for subdivision, closure of a public place, rezoning and consolidation intended to enable the applicant to comply with the conditions of sale; and
- 18.2** This development proposal has been informed by relevant spatial planning policies and has not been arbitrarily invented.

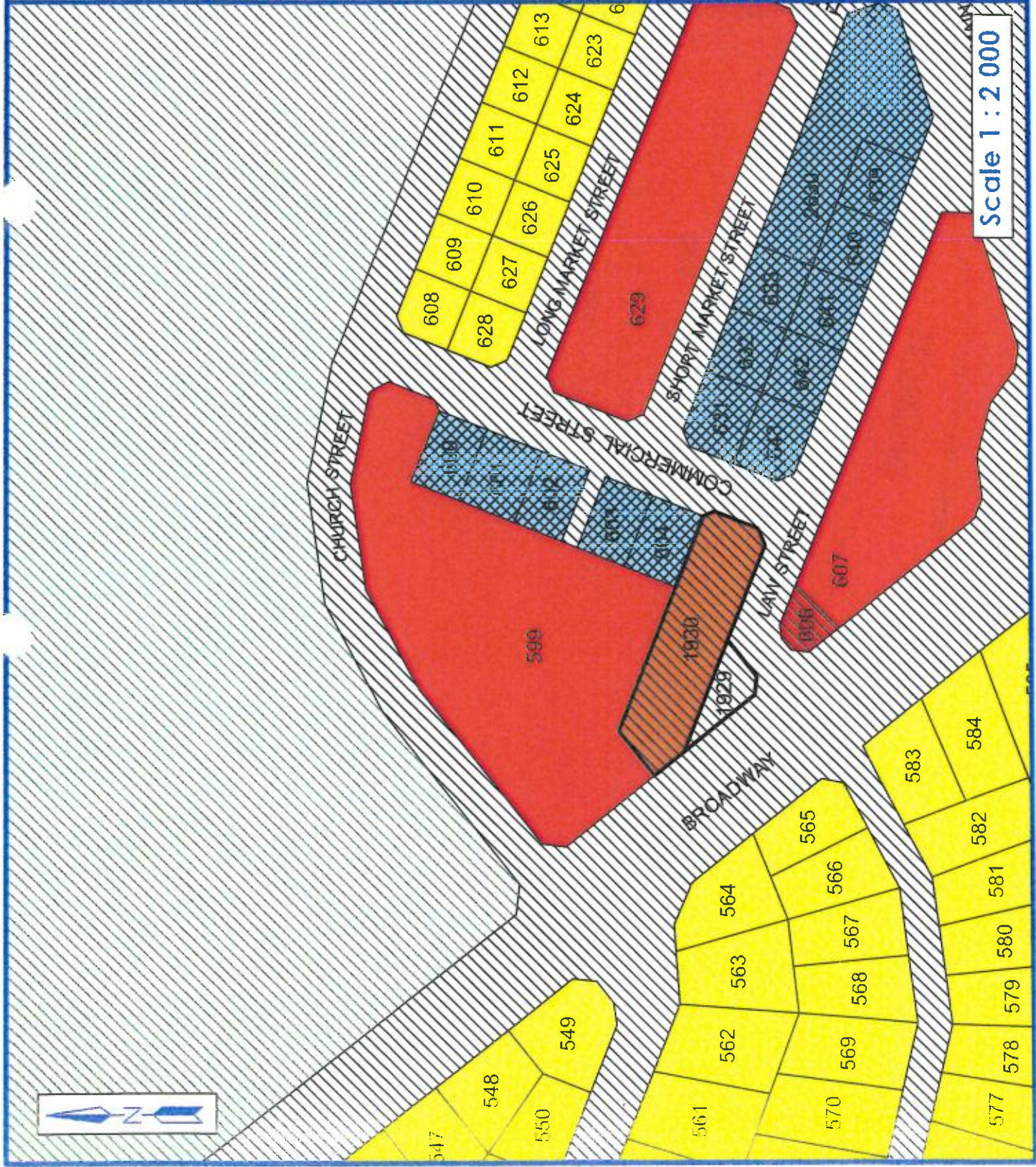
19. RECOMMENDATION

The following is recommended for approval:

- 19.1 Subdivision** of Erf 599 Pearly Beach in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended, to create the following:
- 19.1.1** Portion A ($\pm 300\text{m}^2$);
 - 19.1.2** Portion B (currently unregistered Erf 1929 (a Portion of Erf 599) ($\pm 413\text{m}^2$)); and
 - 19.1.3** The Remainder ($9\,902\text{m}^2$).
- 19.2 Closure** of Portion B (currently unregistered Erf 1929 (a Portion of Erf 599)) as a public place in terms of Section 16(2)(n) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended;
- 19.3 Rezoning** of Portion A from Authority Zone: Authority Usage to General Residential Zone 3: Flats Bulk Zone 2 in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended;
- 19.4 Rezoning** of Portion B from Transport Zone 2: Road and Parking to General Residential Zone 3: Flats Bulk Zone 2 in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended; and
- 19.5 Consolidation** of Portion A ($\pm 300\text{m}^2$), Portion B (currently unregistered Erf 1929 (a Portion of Erf 599) ($\pm 413\text{m}^2$)) and Erf 1930 Pearly Beach ($2\,337\text{m}^2$) to create a consolidated erf ($\pm 3\,050\text{m}^2$) in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended.

Plan 2: Zoning Plan Erven 599, 1930 and Unregistered Erf 1929 (A Portion of Erf 599) Pearly Beach

-  Residential Zone 1: Single Residential
-  Authority Zone: Authority Usage
-  Business Zone 3: Local Business
-  Utility Zone: Utility Usage
-  Agriculture Zone 1: Agriculture
-  General Residential Zone 3: Flats Bulk Zone 2
-  Transport Zone 2: Road and Parking



tel: 028 313 1411
 Email: admin@wrapgroup.co.za
 Plan 21
 Unit 8, Corner of Royal and Dirkie Uys
 Street Hermanus, 7200
 Plan prepared by: Reathlelle Jankie
 All distances are approximate
 and subject to a survey



**Plan 3: Subdivision Plan
of Erf 599 Pearly Beach**

Tel: 028 313 1411
 Email: admin@wrapgroup.co.za
 Plan 3.1
 Unit 8, Corner of Royal and Dirkie Uys
 Street Heermanus, 7200
 Plan prepared by: Reatlehlle Jankie
 All distances are approximate
 and subject to a survey



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CHURCH

LONG

SHORT MARKET ST

COMMERCIAL STREET

LAW STREET

BROADWAY

600

601

602

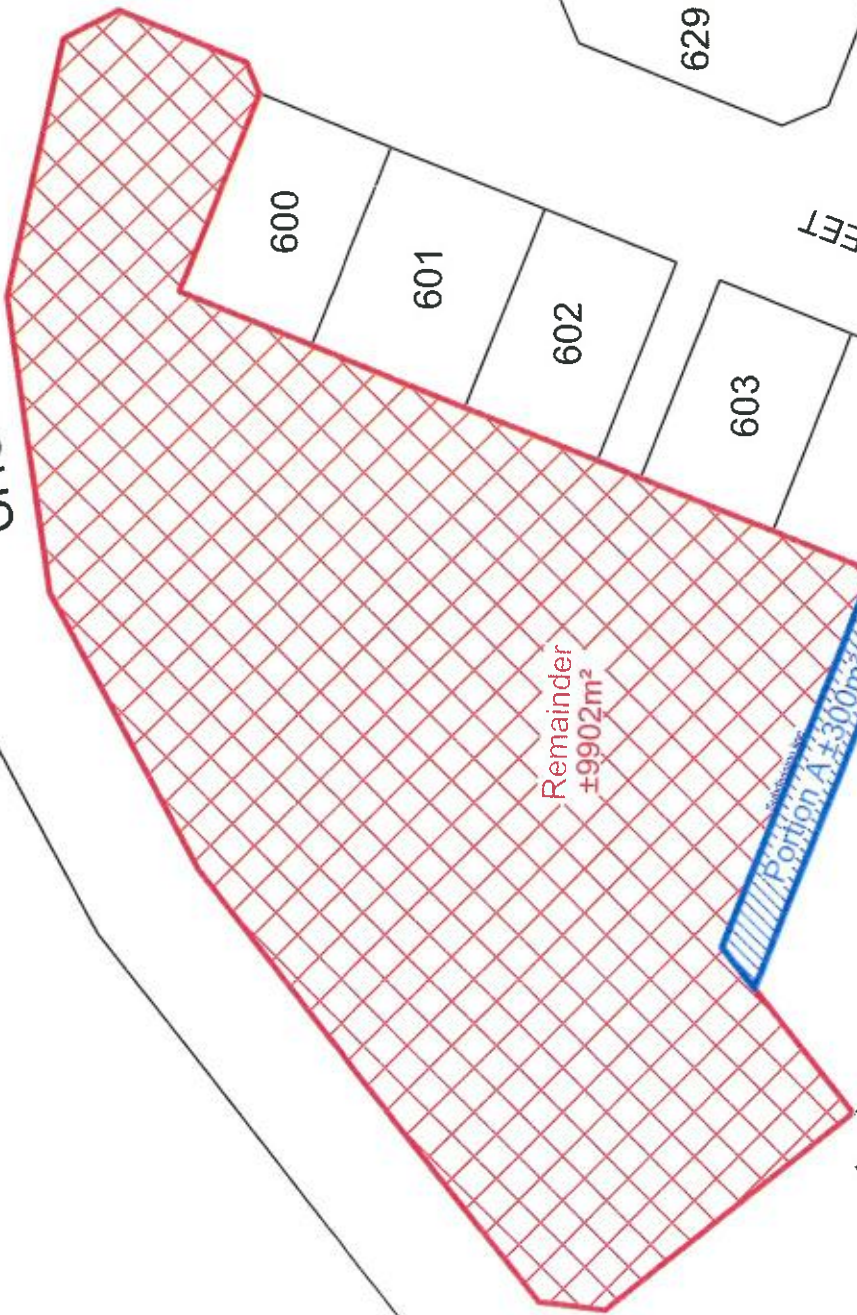
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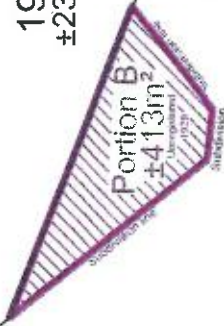
632



Remainder
±9902m²



Portion A
±300m²



Portion B
±413m²

1930
±2337m²

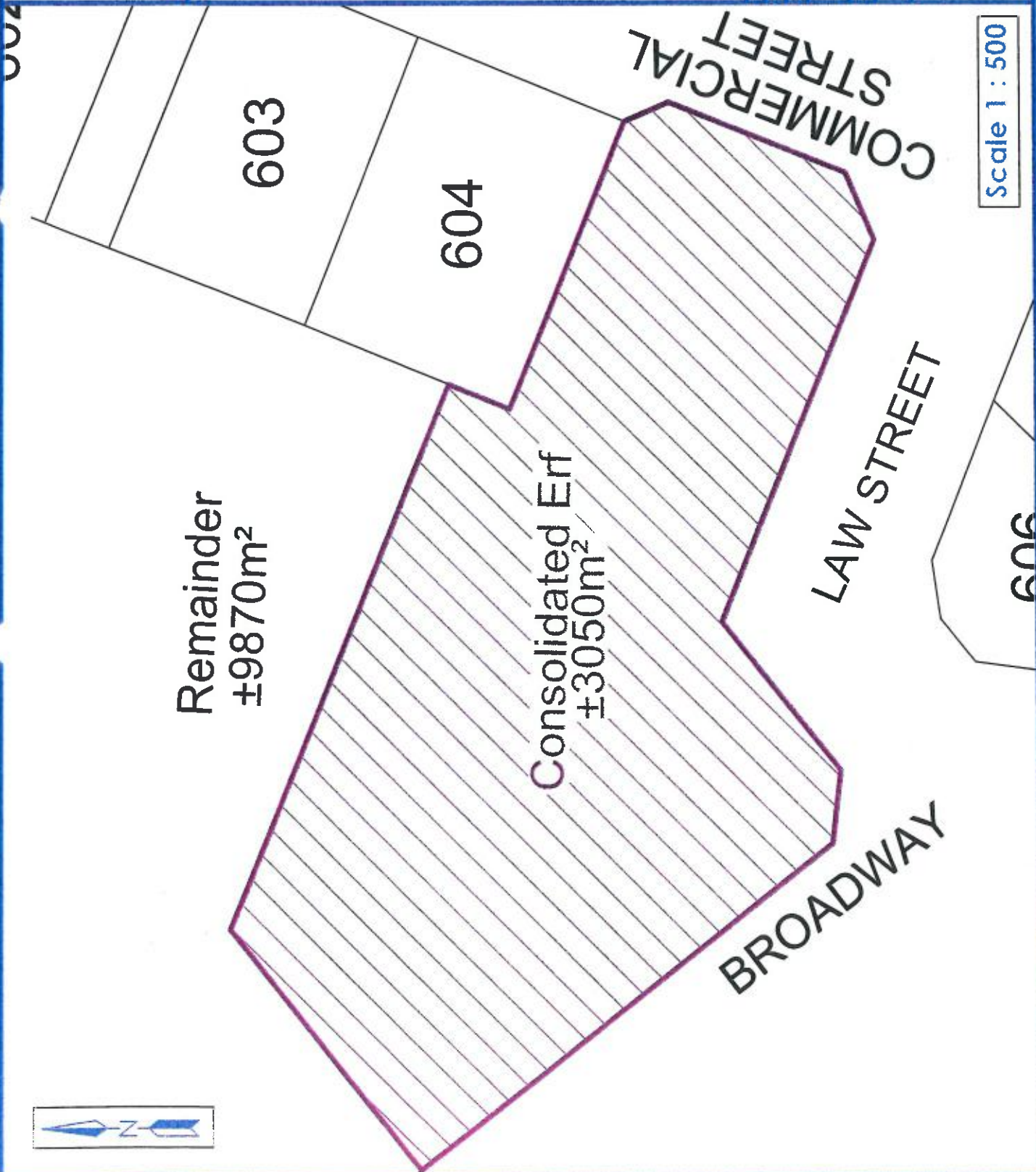
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564

**Plan 4: Consolidation
Plan
of Portion A, Portion B
and Erf 1930 Pearly
Beach**

Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Plan 4.1
Unit B, Corner of Royal and Dirkie Uys
Street Hermanus, 7200
Plan prepared by: Reathleile Jankie
All distances are approximate
and subject to a survey



**Plan 5: Servitude Plan
of the Consolidated Erf
Pearly Beach**



Consolidated Erf

3m Wide water pipeline servitude (93m²)

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Plan 5.1

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

Plan prepared by: Reathlele Jankie
All distances are approximate
and subject to a survey



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Remainder
±9870m²

Consolidated Erf
±3050m²

603

604

COMMERCIAL
STREET

LAW STREET

606

BROADWAY

Scale 1 : 500

**Plan 6: Proposed
Zoning Plan
of the Consolidated Erf**

 General Residential Zone 3: Flats Bulk
Zone 2

Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Plan 6.1
Unit 8, Corner of Royal and Dikie Uys
Street Hermanus, 7200
Plan prepared by: Reatlehle Jankie
All distances are approximate
and subject to a survey



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Remainder
±9870m²

603

604

Consolidated Erf
±3050m²

Scale 1 : 500



