

**MUNISIPALITEIT OVERSTRAND**  
**ERWE 601 & 602,**  
**COMMERCIALSTRAAT 7, PEARLY**  
**BEACH: AANSOEK OM OPHEFFING VAN**  
**BEPERKENDE**  
**TITELAKTEVOORWAARDES,**  
**KONSOLIDASIE, AFWYKING,**  
**VERGUNNINGSGEBRUIK EN WYSIGING**  
**VAN DIE GOEDGEKEURDE**  
**TERREINONTWIKKELINGSPLAN: MNRE**  
**WRAP PROJECT OFFICE NAMENS**  
**STEADY GROWN TRADING 33 CC**

Kennis word hiermee gee kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) van die volgende aansoek van toepassing op bogenoemde erwe, naamlik:

1. opheffing van beperkende titelaktevoorwaardes ingevolge Artikel 16(2)(f) van die Verordening, ten einde beperkende titelaktevoorwaarde, 4(b) soos vervat in Titelakte Nr. T1405/2021 van Erf 601, Pearly Beach te verwyder ten einde die primêre regte van toepassing op die sonering van die eiendom uit te oefen;
2. konsolidasie van Erwe 601 en 602, Pearly Beach ingevolge Artikel 16(2)(e) van die Verordening om 'n gekonsolideerde erf, ongeveer 1160m<sup>2</sup> te skep;
3. afwyking ingevolge Artikel 16(2)(b) van die Verordening, ten einde die agterboulyn van 3m na 0m te verslap;
4. vergunningsgebruik ingevolge Artikel 16(2)(o) van die Verordening, ten einde 'n plek van vermaak (lewendige musiek) te akkommodeer;
5. wysiging van die goedgekeurde terreinontwikkelingsplan ingevolge Artikel 16(2)(l) van die Verordening, ten einde alle strukture, parking, ens. op die gekonsolideerde eiendom te akkommodeer.

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 en Gansbaai Biblioteek, Hoofweg, Gansbaai. 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](mailto:alida@overstrand.gov.za)) moet bereik voor of op 29 April 2022. 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.32/2022

**OVERSTRAND MUNICIPALITY**  
**ERVEN 601 & 602, 7 COMMERCIAL**  
**STREET, PEARLY BEACH: APPLICATION**  
**FOR REMOVAL OF RESTRICTIVE TITLE**  
**DEED CONDITIONS, CONSOLIDATION,**  
**DEPARTURE, CONSENT USE AND**  
**AMENDMENT OF THE APPROVED SITE**  
**DEVELOPMENT PLAN: MESSRS WRAP**  
**PROJECT OFFICE ON BEHALF OF**  
**STEADY GROWN TRADING 33 CC**

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 abovementioned erven, namely:

1. removal of restrictive title deed conditions in terms of Section 16(2)(f) of the By-Law, to remove restrictive title deed condition, 4(b) as contained in Title Deed No. T1405/2021 of Erf 601, Pearly Beach in order to exercise the primary rights applicable to the zoning of the property;
2. consolidation in terms of Section 16(2)(e) of the By-Law of Erven 601 and 602, Pearly Beach to create a consolidated erf, approximately 1160m<sup>2</sup>;
3. departure in terms of Section 16(2)(b) of the By-Law in order to relax the rear building line from 3m to 0m;
4. consent use in terms of Section 16(2)(o) of the By-Law in order to accommodate a place of entertainment (live music);
5. amendment of the approved site development plan in terms of Section 16(2)(l) of the By-law in order to accommodate all structures, parking, ect. on the consolidated property.

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](mailto:alida@overstrand.gov.za)) on or before 29 April 2022. 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. 32/2022

**UMASIPALA WASE-OVERSTRAND**  
**IZIZA 601 & 602, 7 COMMERCIAL STREET,**  
**PEARLY BEACH: ISICELO SOKUSISWA**  
**KWEZITHINTELO KWITAYITILE,**  
**UKUHLANGANISWA, UKUPHAMBUKA,**  
**IMVUME YOKUSETYENZISWA**  
**NOKUHLENGANGISWA**  
**KWESICWANGCISO SOPHUHLISO**  
**LWESIZA ESIVUNYIWEYO**  
**ABAKWA-WRAP PROJECT OFFICE**  
**EGAMENI LIKA STEADY GROWN**  
**TRADING 33 CC**

Esi saziso sikhutshwe ngokuvumelana neCandelo- 47 nele 48 loMthetho kaMasipala wase- Overstrand Otshintshiweyo omalunga Nokuceba Kokusetyenziswa Komhlaba kaMasipala (2020) uMthethwana) wesicelo eislandelayo nezichazwe ngasentla nezibizwa ngokuba:

1. kushenxiswe kwemiqathango yetayitile ngokumayela neCandelo 16(2)(f) lalo Mthetho kaMasipal, ukuba kususwe umqathango 4(b) kwitayitile njengoko kuqulathwe kwiTayitileT1405/2021 kwiSiza 601, Pearly Beach ukuze kusetyenzisweamalungelo asebenza kucando lwepropati;
2. ngokuhambelana neCandelo 16(2)(e) loMthetho kaMasipala ukuze kuhlanganiswe Isiza 601 neSiza 602, Pearly beach zize zibe sisiza esinye esidibeneyo esimalunga ne-1160m<sup>2</sup> ubukhulu;
3. isicelo sokuphambuka ngokweSoloty 16(2)(b) lalo Mthethwana ukuze kuthotywe umgca wesakhiwo ongasemva ukusuka kwi-3m ukuya kwi-0m;
4. isicelo semvume youkusetyenziswa ngokweSoloty 16(2)(o) yaloMthethwana ukuze ufumane indawo yokuzonwabisa (kudlalwe umculo ngabaculi okanye ngamaqela omculo);
5. ukuhlengahlengiswa kwesicwangciso sophuhliso lwesiza esivunyiweyo ngokweSoloty 16(2)(l) yaloMthethwana ukuze kuhlaliswe zonke izakhiwo, indawo yokupaka, njl. kwipropati edityanisiweyo.

linkcukacha ezipeleleyo mayela nesi siphakamiso ziyafumana kwiintsuku zaphakathi evekini ukususela phakathi kwentsimbi ye08:00 neye 16:30 kwiSebe: Lezicwangciso zeDolophu, 16 Paterson Street, Hermanus neGansbaai Library, Main Road, Gansbaai. Zonke izimvo mazibhalwe phantsi, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, kunye nomdla wakho kwesi sicelo nezizathu zakho zokuhlomla kufuneka zifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphambi komhla wama 29 uApreli 2022. Imibuzo ngefowuni ingabuzwa kuMchwacngisi weDolphu OyiNtoko, uMnu SW van der Merwe kwa 0283138900.

Umasipala anagala ukwamkela izimvo ezifike emva kwexesha okuvula. Nabani na ongakwazi ukubhala nokufunda angaya kwiSebe likaMasipala apho igosa likaMasipala liza kumnceda ukuhlomla nokufaka isicelo sakhe ngokusemthethweni.

UMlawuli kaMasipala, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200

Inothisi kaMasipala Nomb. 32/2022

# Locality Plan Erf 601 & 602 - Pearly Beach

Plan prepared by: Thian Jansen

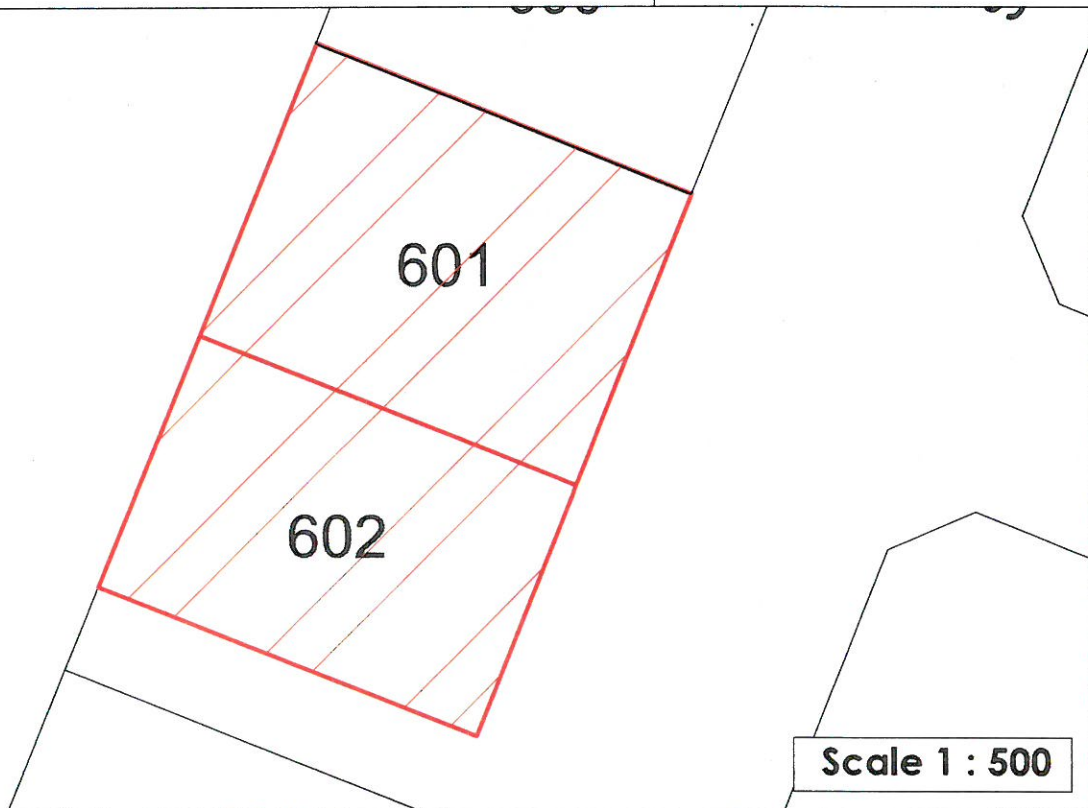
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Unit B, Standard House Corner of Royal and  
Dirkie Uys Street Hermanus, 7200



**Project Office**  
Town Planning & Project Management





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**1. ABBREVIATIONS**

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<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>SDP</b>	Site Development Plan
<b>B3</b>	Business Zone 3: Local Business

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**2. PROPERTY DETAILS**

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<b>Consultant</b>	WRAP Project Office
<b>Erf Numbers</b>	Erven 601 & 602, Pearly Beach
<b>Extents</b>	625m <sup>2</sup> & 535m <sup>2</sup>
<b>Zoning</b>	Business Zone 3: Local Business

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**3. BACKGROUND AND INTENT**

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Erven 601 and 602 Pearly Beach hereafter referred to as the subject properties (Refer to **Plan 1** for the locality), are owned by Steady Grow Trading 33 CC, hereafter referred to as the applicant.

The applicant owned Erf 602 Pearly Beach, since 2017 and established the Whale Coast Brewing Company. Erf 602 Pearly Beach has historic approvals that allow the operation of a shop (brewery) and a restaurant on the property. Refer to **Annexure C**.

The businesses have outgrown Erf 602 Pearly Beach, and the applicant need to expand. The applicant acquired Erf 601 Pearly Beach which is an empty erf adjacent to Erf 602 Pearly Beach, with the vision to consolidate these two properties and operate the businesses across the entire consolidated erf. With more space available, the applicant have the vision to host small live music events on the new consolidated erf. These events will be limited to the inside of the restaurant and brewery. There is also a need for an outside seating for the restaurant and a children's playpark as the clientele of the business are mainly families, especially during holiday periods which necessitates the amendment to the SDP.

The title deed of Erf 601 Pearly Beach contains a restrictive title deed condition that is required to be removed to allow the vision of the applicant to be fulfilled. The restrictive title deed condition states that the property may only be used for shop purposes. The applicant's vision is to operate the existing restaurant on both properties therefore necessitates the removal of the restrictive condition.

The applicant is envisioning expanding the existing building across the current erf boundaries to create additional space for the brewery. Due to the property adjacent to Erf 601 (Erf 599) Pearly Beach, having a different zoning than B3 there is a 3m rear building



line applicable that requires departure as the proposed extension will encroach on the 3m building line (Refer **Plan 4** for the SDP).

As a result, the following applications are required:

- Removal of restrictive title deed condition on Erf 601 Pearly Beach;
- Consolidation of Erven 601 and 602 Pearly Beach;
- Consent use for a place of entertainment (live music) on the consolidated erf;
- Departure of the 3m rear building line to 0m on the consolidated erf; and
- Amendment of the SDP.

**4. PROCEDURE TO ACHIEVE THE APPLICANT'S INTENT**

WRAP compiled this report to ensure the applicant'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.

There is a title deed condition that prohibits the land use rights sought by the applicant as described in Section 3 and the rationale for the removal of these conditions are discussed below:

<b>Restrictive Title Deed Condition</b>
Condition 4(b) – <i>“it shall be used for shop purposes only;”</i>

The rationale for the removal of the restrictive title deed condition is to enable the applicant to achieve the development intent highlighted in Section 3. The title deed condition is more restrictive than what is allowed in terms of the OMLUS. The applicant has the vision to operate more than a shop on the property and it is restricted by the condition above.

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

**4.2 Consolidation** of Erven 601 and 602 Pearly Beach in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

The proposal is to consolidate Erven 601 (625m<sup>2</sup>) and 602 (535m<sup>2</sup>) Pearly Beach, into a single consolidated erf with a total extent of 1160m<sup>2</sup>. The properties are zoned Business Zone 3: Local Business and allows the current uses to continue as well as the expansion of the existing businesses.

Refer to Plan 4 for the amended SDP that illustrates the proposed consolidation of the two properties. The extra space will allow the applicant to increase production of the brewery and increase the seating area of the restaurant, which will have a positive impact on the economy of the Pearly Beach area. The parking will be relocated to the area, before consolidation being Erf 601 Pearly Beach, and the current parking area will be utilised as outside seating for the restaurant with a small area for children to play and be entertained in a safe environment.



**4.3 Departure** from the 3m rear building line to 0m in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

The applicant has the vision to extend the existing building using the same massing located on the rear building line. As Plan 2 indicates, the subject property abuts Erf 599 Pearly Beach, zoned Authority Zone: Authority Usage, which necessitates a departure from the rear 3m building line to 0m.

Erf 599 Pearly Beach, the property abutting the, to be consolidated property, at the rear, is utilised as a waste dumping site. This is not a land use that the applicant wants his businesses exposed to and wishes to build a solid wall onto the boundary line of the, to be consolidated erf. There will be no doors or windows at the rear of the property and rainwater will be managed onsite.

This will create a buffer between the unsightly land use and the consolidated erf, and the building will conform to the OM's building regulations and a building plan will be submitted by the applicant.

**4.4 Consent use for a place of entertainment (live music)** in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

The definition of a place of entertainment in terms of the OMLUS is as follows: "*place of entertainment*" means a place used for commercial entertainment which may attract large numbers of people, operates outside normal business hours or generates noise from music or revelry on a regular basis and includes a cinema, a theatre, an amusement park, a dance hall or a night club and gambling and **live music**;"

This performance area will be located inside of the premises to minimise the impact on the surrounding area. The live music and small events will be used to entertain the guests while they enjoy their meals and beverages. The live music will be available during the normal business hours of the restaurant and will not be a nuisance to the surrounding property owners.

The applicant has no need to operate any of the other uses being unlocked by the consent use. 'Live music' is the only use the applicant is applying for and the conditions of approval may reflect this.

**4.5 Amendment of the Site Development Plan (SDP)** in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

With the new development proposal being applied for, it is of importance to ensure that the SDP is updated accordingly, to accommodate the entire consolidated property.

The existing approved SDP was amended to indicate the new structures, parking area, reflecting the vision of the applicant. Refer to Plan 4 for the amended SDP.

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## **5. APPLICATION**

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Considering the above, application is made for the following:

**5.1 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;



- 5.2 **Consolidation** of Erven 601 and 602 Pearly Beach in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 5.3 **Departure** from the 3m rear building line to 0m in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 5.4 **Consent use to allow a place of entertainment (live music)** in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended; and
- 5.5 **Amendment of the Site Development Plan (SDP)** in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

**6. LAND USE ENVIRONMENT**

The subject properties are located in the business node of Pearly Beach and the surrounding area has residential and authority zonings. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

**7. TITLE DEED**

The title deeds of the subject properties were perused. Title deed T61368/2017 of Erf 602 Pearly Beach contains no restrictive conditions as it was removed during November 2019. Title Deed T1405/2021 of Erf 601 Pearly Beach (refer **Annexure B**) contains a restrictive condition that prohibits the applicant's intent for the subject property.

**Title deed restrictions**

**Condition 4(b)** – “it shall be used for shop purposes only;”

**Motivation**

**The rationale for the proposed removal**

Erf 601 Pearly Beach is currently an empty erf and with the proposal to consolidate the subject properties to ensure that the existing businesses are not restricted by the title deed condition mentioned above, it requires removal. The applicant has the vision to expand the current business which is a primary right of their current zoning in terms of the OMLUS and they wish to continue and expand their business on the consolidated erf.

**Title deed condition background**

The restrictive title deed conditions were originally intended to protect the type of businesses allowed within the Pearly Beach business node. As time passes the requirement also changes. The applicant wants to continue the business and requires historic constraints to be removed. Any amendment or removal of this condition requires the consent of the Administrator, which authority now vests with the Overstrand Municipality.



## MOTIVATION

### Status quo

Considering the prevailing trend of globalisation which has accelerated the position of the Overstrand Municipality as a viable and popular tourist destination, a need has arisen for consumer goods which cater for both the local and international market. These include restaurants, guest houses and hotels. This restrictive title deed condition is therefore not relevant in the current context of globalisation and can potentially contribute to stifling innovation and economic growth in Pearly Beach. The removal of this restrictive title deed condition is therefore rational and contextually appropriate.

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 in the person as the owner of a dominant tenement;</i>	No person or entity will be affected financially by the removal of the restrictive title deed condition.
<i>(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;</i>	No person is benefitting from the condition. The condition is only restricting the applicant.
<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 applicant will be gaining from the removal of the restrictive condition as it will allow them to utilise the consolidated 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>	The restrictive condition does 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 these are removed.

## 8. ZONING

The following zoning parameters were assessed in conjunction with the B3 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:



**MOTIVATION**

<b>BUSINESS ZONE 3: LOCAL BUSINESS (B3)</b>			
<b>Land Use Restrictions</b>			
	<b>Parameters</b>	<b>Proposal</b>	<b>Comply/ deviate</b>
<b>Primary use</b>	<b>Shops,</b> Dwelling Unit (Above Ground Floor) In Accordance with 6.3.2, Flats (Above Ground Floor), Offices, <b>Restaurant,</b> Caretaker's Accommodation and Self-Catering.	Shop (Brewery) & Restaurant	Comply
<b>Consent use</b>	Bottle Store, Business Premises, Clinic, Conference Facility, Dwelling Unit (On Ground Floor) In Accordance With 6.3.2, Flats (On Ground Floor), Town Housing in Accordance with 6.3.2, Tourist Accommodation, Hotel, Institution, Place of Assembly, <b>Place of Entertainment,</b> Place of Instruction, Place of Worship, Recreational Facilities, Residential Building, Sale of Alcoholic Beverages, Service Station, Service Trade and Transmission Apparatus (Subject to the provisions of chapter 16.10).	- Place of Entertainment (live music)	Applied for and motivated
<b>Development parameters</b>			
<b>Coverage</b>	The maximum coverage for all buildings on the land unit is 75%.  "Coverage" means the total area or percentage area of a land unit which may be covered by buildings and covered by a roof; provided that the following portions of buildings shall be disregarded in the calculation of coverage: The maximum floor factor is 1.5	Consolidate erf extent = 1160m <sup>2</sup>  Allowed coverage = 870m <sup>2</sup>  The proposed building will have a coverage of <b>395m<sup>2</sup>.</b>  $395m^2 \times 100 / 1160m^2 = \mathbf{34.05\%}$ $395m^2 / 1160m^2 = 0.34$	Comply
<b>Floor factor</b>	(i) The maximum height of a building measured from the base level to the top of the roof is 8.5 m;		Comply
<b>Height</b>		(ii) There is only one storey; and	Comply



**MOTIVATION**

	<p>(ii) The maximum number of storeys is 2; and          (iii) Earth banks and retaining structures shall comply with 16.6.</p>	(iii) Comply	
<b>Setback</b>	<p>(i) Council may require that all buildings and structures on the property are set back at least 6.5 m from the centre line of the street;          (ii) Where special circumstances exist, Council may require a wider setback; and          (iii) The general provisions of 16.2 apply.</p>	<p>(i) This is subject to the discretion of Council;          (ii) This is subject to the discretion of Council; and          (iii) This is subject to the discretion of Council.</p>	Comply
<b>Building lines</b>	<p>(i) The street building line is 0 m; provided that a 3,5 m building line applies where fuel pumps are erected;          (ii) The side building line is 0 m provided that where any Business Zone 3 abuts another zone, the side building line is 3,0 m;          (iii) The rear building line is 3,0 m; provided that where any Business Zone 3 abuts another zone, the rear building line is 4,5 m;          (iv) Provided that Council may require more restrictive building lines in the interests of public health or safety or the environment or in order to enforce any applicable law or right; and          (v) The building line exemptions in 16.1 apply.</p>	<p>(i) 7m from the street boundary;          (ii) 0m from the side boundary;          (iii) 3m rear boundary applicable to the consolidated erf. <b>Departure of the 3m rear boundary to 0m.</b>          (iv) This is subject to the discretion of Council.          (v) Comply</p>	Applied for and motivated
<b>Window and door placement</b>	<p>(i) Where a 0 m building line applies and where a wall of a building is erected 1,0 m or less from the side or rear building line, no door or window shall be permitted in the wall concerned; and          (ii) Any portion of the building which contains a door or window onto a side or rear boundary, shall be placed at least 1,5 m away from such boundary. The portion of the building that is required to be set back shall include the door or window,</p>	<p>(i) there are no doors or windows on the part of the property which is located up to 0m from the side and rear boundary; and          (ii) there are no doors or windows on the part of the property which is located up to 0m from the side and rear boundary.</p>	Comply



**MOTIVATION**

	together with such additional length of wall as is required to make up a total of 3,0 m.		
<b>Parking and access</b>	Parking and access shall be provided on the land unit in accordance with 17.1.  <b>Shops/Restaurants</b> 4 bays per 100m <sup>2</sup> of GLA	The proposed GLA is 351 m <sup>2</sup> which requires 14 parking bays.  - 17 parking bays are provided – 1 being parking for the disabled. - 5 Motorcycle parking bays 1 Loading bay is provided.	Comply
<b>Loading Bays</b>	Loading bays must be provided on the land unit in accordance with 17.2.	(i) This is subject to the discretion of Council; (ii) This is subject to the discretion of Council;	Comply
<b>Screening</b>	(i) The Council may require screening in accordance with 16.7; and (ii) Where a Business Zone 3 abuts a residential zone, Council may require a suitable wall of no less than 1,8 m in height to be erected on the common boundary.	An amended SDP which complies with 16.3 is submitted with the application.	Comply
<b>Site development plan</b>	Council may require that a site development plan be submitted for approval in accordance with 16.3.		



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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 is connected to the OM's networks which include electricity, water and sewage. The proposal of this application will not have a negative impact of the area.

Solid waste is collected every week by the OM.

**Access and Egress**

Access and egress to the subject property is gained from Commercial Street and the proposal will not affect this. There will however be a change in where the consolidated property will gain access and egress. Due to the small-scale nature of the development, it not predicted that it would affect the traffic of the area.

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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 a result of expansion pressure and the acquisition of the abutting property which ignited the applicant's desire. The desirability is more often a personal feeling of the applicant. This application is not different and although the expansion of the businesses was the idea of the applicant, others will also benefit from these expansions.

It will require more staff to operate the expanded brewery and expanded restaurant, which in turn will employ more staff from the Pearly Beach area and will be able to contribute financially to the economy.

To achieve their vision, the applicant 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 business node with several other uses in the area, refer to **Plan 2**. It is not proposed that the new expansion of the building will have any more of an impact than what is currently being experienced. The land uses sought by the applicant is in line with the primary and consent uses set out by the OM, nothing is being requested additionally.

The expansion will comply with the OMLUS's development parameters ensuring no views, sunlight, or the character of the area is affected.



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**Economic impact**

Once the construction is completed which in itself will employ workers, the expanded business will require more staff to operate and wait on prospective patrons. This will create a sustainable source of employment for people in the surrounding areas.

**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 values of surrounding properties and it is predicted that development should be encouraged in the Pearly Beach area.

**Impact on heritage**

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

**Environmental impact**

The subject property is not located within an environmentally important area.

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**11. POLICIES AND REGULATIONS**

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

The subject property is not located within this zone.

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

The subject property is not located within this zone.

**11.3 Spatial Planning Policies**

This proposal was assessed in terms of the existing spatial planning documents. This is to ensure that this proposal is in harmony with the urban form and urban fabric which is envisaged by the local and provincial authorities.

**PSDF**

The aim of the PSDF is to give spatial expression to the national and provincial development agendas and serves as a basis for coordinating, integrating, and aligning ground delivery of national and provincial departmental programmes. The framework also aims to communicate the government's spatial development intentions to the private sector and civil society.

Policy proposals pertinent to this proposal can be recorded as follow:

**World class tourism**

The authenticity of the landscapes which have a scenic and cultural significance is cited in the PSDF as making the Western Cape a world class tourism destination. Restaurants in Pearly Beach form an integral component of the tourism industry. The approval and implementation of this expansion proposal will therefore contribute to making tourists appreciate the scenic and cultural landscape which exists in Pearly Beach.



### **Tourism unlocking socio-economic opportunities**

The PSDF underscores that the tourism industry has social and economic benefits which the Western Cape greatly depends on. The economic benefits which will be unlocked on the subject property will have a positive impact for the society of Pearly Beach.

### **MSDF**

The objective of the MSDF is to formulate strategic spatially based policy guidelines and proposals where the needs, changes and growth in the area can be managed to benefit the inhabitants and the environment in the Overstrand Municipality. The MSDF is guided by a set of objectives and the consistency of this proposal will be assessed with these core objectives.

### **Promotion of infill development**

Infill development is promoted within existing boundaries through the development of vacant properties within the demarcated urban edge. The subject property has already been developed and is already aligned with the infill development imperatives. The subject proposal only entails expanding on existing and approved land uses.

### **Promote tourism based on the ecological value of the region**

Pearly Beach is characterised by a diversity of complementary natural systems and ecological value. Guests who will visit the subject property will visit and enjoy the splendour of the ecological value of the area. This is aligned with the development imperative of promoting tourism based on the ecological value of Pearly Beach.

### **Promote Pearly Beach as a tourism village**

The proposed expansion is projected to attract a variety of people from various parts of the country and the world which will promote the tourism value of Pearly Beach.

### **Spatial proposal plan**

The subject property is designated for commercial development which this proposal is aligned with. The SDF also highlights that commercial development should strictly be restricted to the areas which are designated for commercial development.

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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**

The subject expansion will offer employment opportunities to the historically marginalised. This will lead to the employees having an income which will contribute to promoting equity as the employees will be able to afford access to opportunities such as housing, services, and facilities. The approval and implementation of this proposal will therefore contribute to addressing spatial development imbalances caused by apartheid planning and contribute to attaining a more spatially just urban landscape.

### **Spatial sustainability**

The proposed development and properties are ideally located within a contextually appropriate mixed-use environment and is intended to contribute to allowing a



## MOTIVATION

functional space economy in Pearly Beach. Utilising existing infrastructure and expanding thereon will ensure the businesses are able to cope with the experienced growth.

### **Efficiency**

This proposal entails the optimal use of space as the entire consolidated property is proposed to be used for parking and the existing businesses. The engineering services on the premises will also cater to a greater number of people within the engineering services capacity limits.

### **Spatial resilience**

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

### **Good administration**

The OM has a credible track record of good administration regarding the method of public participation which invites and 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.



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**13. EVALUATION**

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The applicant has a need to expand and to meet all the requirements of the applicant, several applications are being made. The restrictive title deed condition needs to be removed, no person or entity is benefitting from the conditions, and the applicant are currently being restricted. With the removal it will allow the subject properties to be consolidated and allow the existing business not to be restricted by a title deed condition.

The consent uses being applied for are aligned with the OMLUS and are not out of the ordinary for a property zoned Business Zone. The consent use sought by the applicant is only to have "live music". The development parameters of the zoning are also being adhered to in terms of the coverage, height, floor area and parking requirements. The departure of the rear building line is required only to ensure the unsightly land use at the rear of the to be consolidated property is hidden behind the structures.

The proposal for expansion of businesses is in harmony with all relevant spatial planning policies which illustrates that the applicant did not arbitrarily invent this proposal but had consideration for relevant spatial planning policies.

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**14. RECOMMENDATION**

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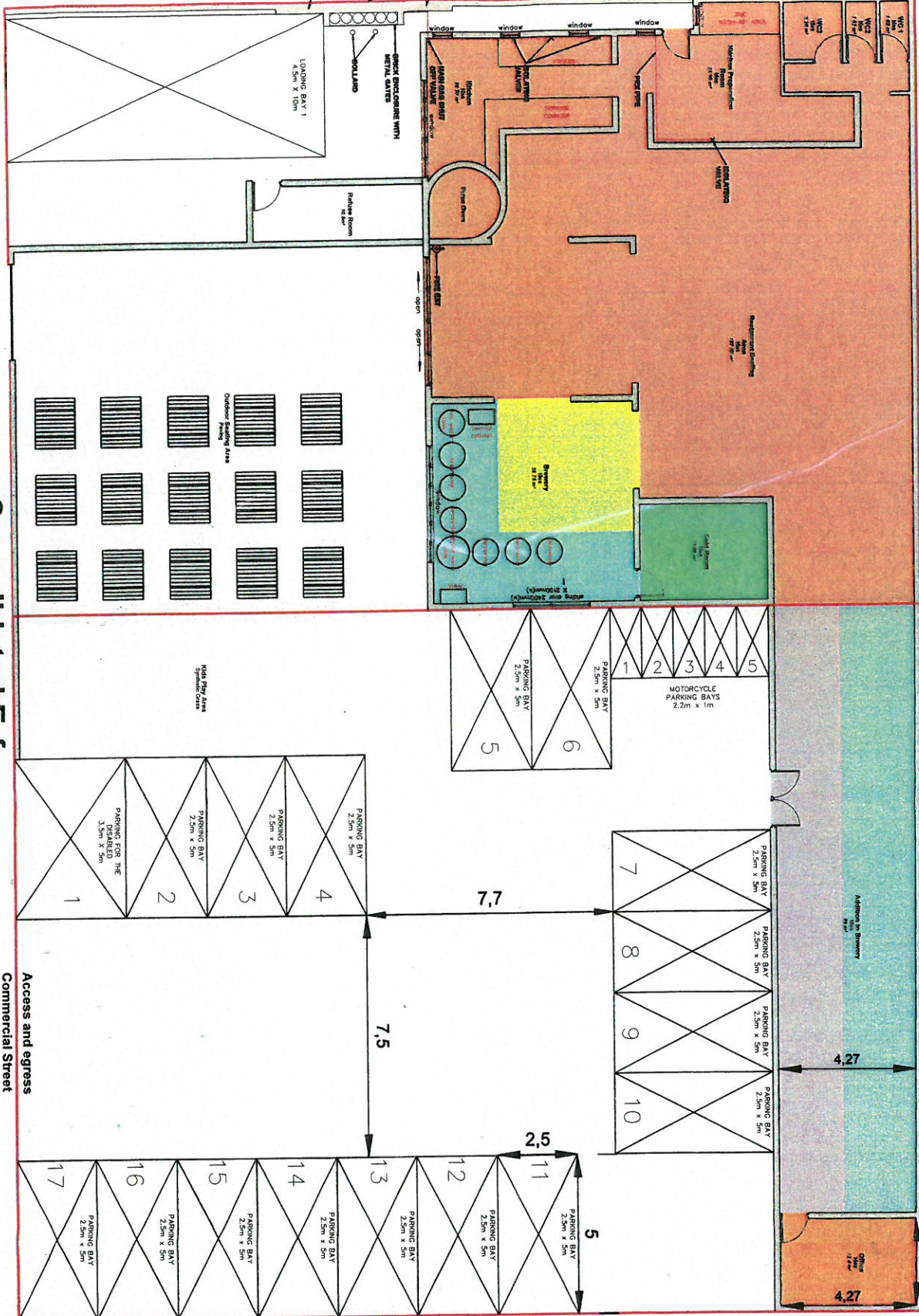
Based on the abovementioned motivation, it is recommended that the following be approved:

- 14.1 Removal of 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;
- 14.2 Consolidation** of Erven 601 and Erf 602 Pearly Beach in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 14.3 Departure** from the 3m rear building line to 0m in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 14.4 Consent use to allow a place of entertainment (live music)** in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended; and
- 14.5 Amendment of the Site Development Plan (SDP)** in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.



**Erf 602**  
(535m<sup>2</sup>)

**Erf 601**  
(625m<sup>2</sup>)



**Consolidated Erf**  
(1160m<sup>2</sup>)

Access and egress  
Commercial Street

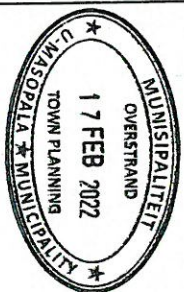
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**Amendment**  
Site Development Plan  
Erf 601 & 602 - Pearty Beach

**GLA**  
Restaurant - 218m<sup>2</sup>  
Shop (Brewery) 133m<sup>2</sup>  
Total GLA = 351m<sup>2</sup>  
Floor Space - 384m<sup>2</sup>

Consolidated Erf extent = 1160m<sup>2</sup>

- Cold Storage = 16m<sup>2</sup>
- Restaurant = 238m<sup>2</sup>
- Manufacturing = 72m<sup>2</sup>
- Tasting and Point of Sale = 19m<sup>2</sup>
- Proposed Walkway = 39m<sup>2</sup>



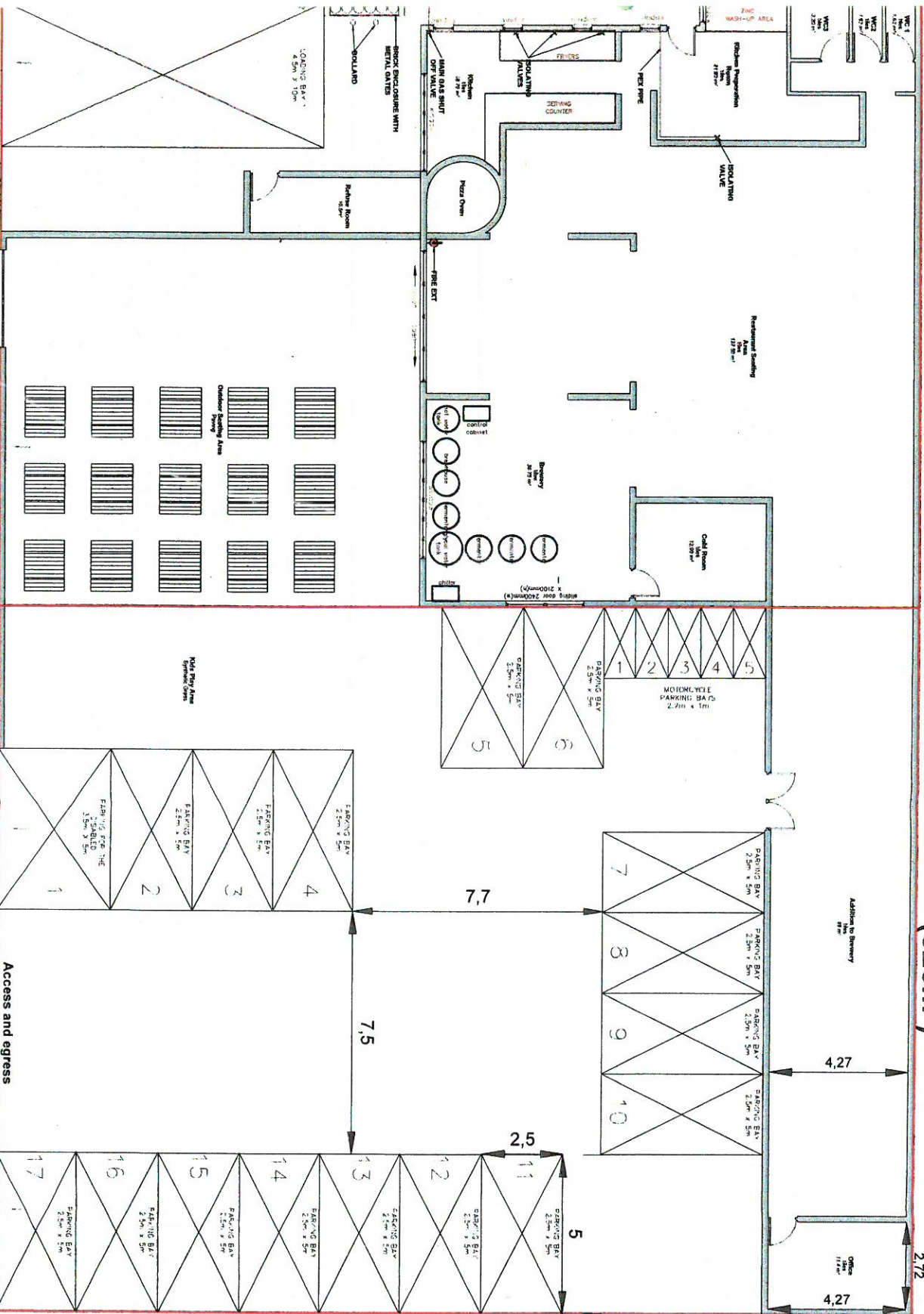
Subject properties (Erf 601 & 602)

Plan prepared by: Thien, Jensen  
All distances are approximate and subject to a survey  
Tel: 028 313 1411  
Email: admin@wrapp.co.za  
Unit B, Corner of Royd and Dike Uys Street Hemorus, 7200



**Erf 602**  
(535m<sup>2</sup>)

**Erf 601**  
(625m<sup>2</sup>)



**Consolidated Erf**  
(1160m<sup>2</sup>)

Access and egress  
Commercial Street

Scale 1 : 125

**Amendment**  
Site Development Plan  
Erf 601 & 602 - Pearly Beach

**GIA**  
Restaurant - 218m<sup>2</sup>  
Shop (Brewery) 133m<sup>2</sup>  
Total GIA = 351m<sup>2</sup>

Parking Requirements  
Parking required as per GIA  
Restaurant/Shop  
4 parking per 100m<sup>2</sup>

Restaurant  
218/100 = 2.18  
2.18 x 4 = 8.72

Shop (Brewery)  
133/100 = 1.33  
1.33 x 4 = 5.32

Total Parking required  
8.72 + 5.32 = 14.04

14 Parking Bays Required  
16 Parking Bays Provided,  
1 Parking for the Disabled &  
5 Motorcycle Parkings Provided

Consolidated Erf extent = 1160m<sup>2</sup>

Subject properties (Erf 601 & 602)

Plan prepared by: Thion Jansen  
All distances are approximate  
and subject to a survey

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