

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
20 September 2016
(Also the agenda for the Mayoral Committee Meeting : 27 September 2016)**

2.

**ERVEN 1554 & 1555, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA :
PROPOSED AMENDMENT OF THE OVERSTRAND SPATIAL DEVELOPMENT
FRAMEWORK, REZONING, ERF BOUNDARY REALIGNMENT AND DEPARTURE :
MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF
MA STONE & SJ HOFFMAN**

1554 & 1555 GPB (3060)

SW van der Merwe

(028) 313 8900

Hermanus Administration

13 June 2016

1. Executive Summary

To consider an application received on 22 September 2015 from Messrs Plan Active Town- and Regional Planers, on behalf of MA Stone and SJ Hoffman, the owners of Erf 1554 and 1555, Pearly Beach for the following:

- the amendment of the Overstrand Spatial Development Framework (2006) (SDF);
- the rezoning of Erven 1554 & 1555, Pearly Beach from Resort Zone 1 to Residential Zone 1: Single Residential (SR1);
- the erf boundary realignment of Erven 1554 & 1555, Pearly Beach, and
- departure from the relevant Scheme Regulations in order to relax the rear building line (Erf 1554) and the lateral- and rear building lines (Erf 1555).

A Locality Plan is attached as Annexure A. The proposed Erf Boundary Realignment Plan and Consolidation Plan are attached as Annexure B and the Motivation Report is attached as Annexure C.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor, except for the proposed amendment of the Overstrand Wide Spatial Development Framework, 2006

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5. Legal Requirements

- Municipal Systems Act No. 32 of 2000
- Sections 15, 17 and 23 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) (LUPO)

6. Background/Discussion/Evaluation/Conclusion

Background

Erf 1554 and 1555, Pearly Beach measures 1090m² and 912m² respectively. Erf 1554 is developed with a single cottage and Erf 1555 is developed with two (2) cottages. The applicant proposes to rezone the two (2) properties from Resort Zone 1 to Residential Zone 1 in order to accommodate the existing land use. Furthermore it is the intention of the applicant to realign the property boundaries and to relax the respective building lines in order to accommodate the existing cottages on the respective properties. The Spatial Development Framework, 2006 (SDF) indicates that the properties are earmarked for resort purposes, therefore an amendment of the SDF is also proposed.

Registered notices were served on interested and affected parties in the prescribed manner, and no objections were received.

Evaluation

The properties are situated in Vergesig Street, Pearly Beach and are held under the same Title Deed which contains no restrictive condition restricting the proposal. The surrounding properties are zoned for residential and resort uses. The properties were given resort zoning together with other properties for a resort development. However, the previous owners of the properties never utilised the erven for the resort and the plan for the larger resort does not include the subject properties anymore.

As stated in the background the proposed zoning for the subject properties is single residential. The proposed zoning is in line with the existing character of the area due to the fact that the majority of the surrounding properties are used for the same purpose.

One of the cottages is situated over the common boundary of Erven 1554 and 1555. In order to rectify this, the owner proposes to realign the property boundaries as shown on the attached Realignment Plan attached as Annexure B. The property sizes of the subject properties will be minimally affected and therefore will not have a negative effect on the existing property layout of the area. Erf 1555 has two (2) cottages which are situated on the property. Both the cottages will remain, because the Zoning Scheme allows

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for two (2) dwellings on a property. It should be noted that the cottages have been existing for a long time and therefore the applicant wishes to depart from the 2m rear building line on Erf 1554 in order to legalise the existing cottage 1,1m from the rear boundary and to depart from the 2m lateral building line on Erf 1555 in order to legalise the existing cottage 0,3m from the property boundary. The cottages are of a small footprint compared to the size of the property and therefore will not have a negative impact on the neighbouring properties.

As previously mentioned, the proposed zoning is in line with the current usage of the surrounding properties, therefore the proposed amendment of the SDF will not have a negative contribution to the area.

Considering the fact that no objection was received from the affected property owners and because the proposed land use is in line with the current character of the area, the application is supported.

Conclusion

That the application be supported as per the recommendation below.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Fire Department

No comment.

Operational Department

No objection.

Building Control Department

No objection.

Electrical Department

No objection.

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Waste Management

No objection.

Health

No objection.

Engeneering Services

No comment.

10. Annexures

Annexure A: Locality Plan

Annexure B: Erf Boundary Realignment Plan and Consolidation Plan

Annexure C: Motivation Report

RECOMMENDATION:

1. that, in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for the rezoning of Erven 1554 & 1555, Pearly Beach from Resort Zone 1 to Residential Zone 1: Single Residential (SR1), **be approved;**
2. that, in terms of Section 23 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the erf boundary realignment of Erven 1554 & 1555, Pearly Beach, **be approved;**
3. that the above approvals be subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines and realignment of the property boundaries as shown on the consolidated plan no. pearly1554c.drw and pearly1554s.drw, which was submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation and/or Title Deed conditions; and
 - (d) that all other development parameters as prescribed in the Zoning Scheme be complied with.

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4. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

RECOMMENDATION TO THE COUNCIL:

that, in terms of Section 4(7) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for Amendment of the Overstrand Municipal Wide Spatial Development Framework, 2006 to change the reservation of Erven 1554 and 1555, Pearly Beach from "Resort" to "Residential", **be approved.**

RESPONSIBLE OFFICIAL :	SW VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	12 OCTOBER 2016
TARGET DATE TO INFORM APPLICANT :	12 OCTOBER 2016
TARGET DATE TO INFORM OBJECTOR :	12 OCTOBER 2016

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
26 September 2016
(Also the agenda for the Mayoral Committee Meeting : 26 September 2016)**

2.

**ERVEN 1554 & 1555, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA :
PROPOSED AMENDMENT OF THE OVERSTRAND SPATIAL DEVELOPMENT
FRAMEWORK, REZONING, ERF BOUNDARY REALIGNMENT AND DEPARTURE :
MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF
MA STONE & SJ HOFFMAN**

1554 & 1555 GPB (3060)

SW van der Merwe

(028) 313 8900

Hermanus Administration

13 June 2016

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
26 SEPTEMBER 2016, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

RECOMMENDATION TO THE EXECUTIVE MAYOR:

1. that, in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for the rezoning of Erven 1554 & 1555, Pearly Beach from Resort Zone 1 to Residential Zone 1: Single Residential (SR1), **be approved;**
2. that, in terms of Section 23 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the erf boundary realignment of Erven 1554 & 1555, Pearly Beach, **be approved;**
3. that the above approvals be subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines and realignment of the property boundaries as shown on the consolidated plan no. pearly1554c.drw and pearly1554s.drw, which was submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation and/or Title Deed conditions; and
 - (d) that all other development parameters as prescribed in the Zoning Scheme be complied with.
4. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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RESPONSIBLE OFFICIAL :	SW VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	12 OCTOBER 2016
TARGET DATE TO INFORM APPLICANT :	12 OCTOBER 2016
TARGET DATE TO INFORM OBJECTOR :	12 OCTOBER 2016



Scale: NTS
 Drawing Nr: pearly1554i.dwg
 Date: AUGUST 2015

Plan Description:
LOCALITY MAP

Property Description:
**ERVEN 1554 & 1555
 PEARLY BEACH**

All distances approximate
 and subject to survey.
 COPY RIGHT RESERVED

NOTES:
 [Shaded Box] The sites

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Scale: 1:500
 Drawing Nr: pearty1554s.drw
 Date: AUGUST 2015

Plan Description:
ERF BOUNDARY REALIGNMENT PLAN

Property Description:
ERVEN 1554 & 1555 PEARLY BEACH

All distances approximate and subject to survey.
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NOTES:

- Erf boundaries
- Subdivision line
- Building lines
- Existing structures



Subdivision:
 Erf 1554 to be subdivided as follows:
 Portion A: ±33m²
 Remainder: ±1057m²
 Erf 1555 to be subdivided as follows:
 Portion B: ±41m²
 Remainder: ±871m²

Consolidation:
 Pin A (±33m²) to be consolidated with Rem erf 1555 (±871m²) to create a newly consolidated erf of ±904m²
 Pin B (±41m²) to be consolidated with Rem erf 1554 (±1057m²) to create a newly consolidated erf of ±1098m²

1552



Scale: 1:500
 Drawing Nr: Pearly1554c.drv
 Date: AUGUST 2015





Plan Description:
CONSOLIDATION PLAN

Property Description:
**ERVEN 1554 & 1555
 PEARLY BEACH**

All distances approximate and subject to survey.
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NOTES:

-  Newly consolidated erf 1554: ±1098m²
-  Newly consolidated erf 1555: ±904m²
-  Building lines
-  Existing structures

**PROPOSED REZONING, AMENDMENT OF THE
OVERSTRAND SPATIAL DEVELOPMENT
FRAMEWORK (2006), ERF BOUNDARY
REALIGNMENT & DEPARTURE**

ERVEN 1554 & 1555 PEARLY BEACH

DIVISION: CALEDON

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

M.A. Stone and S.J. Hoffman, the owners of erven 1554 and 1555 Pearly Beach, have instructed the company Plan Active to apply for the rezoning, amendment of the Overstrand Spatial Development Framework (2006), erf boundary realignment and departure of erven 1554 and 1555 Pearly Beach.

Erf 1554 Pearly Beach is 1090m² in extent and erf 1555 Pearly Beach is 912m² in extent. Both the subject properties are held by title deed number T45440/2013. It is the intention of the owners of erven 1554 and 1555 Pearly Beach to rezone the subject properties to allow the zoning of the properties to be in line with the existing land use (single residential). However, since the subject properties are earmarked for resort purposes in terms of the Overstrand Spatial Development Framework (2006), the aforementioned framework has to be amended to accommodate the proposed rezoning.

It is further proposed to realign the erf boundaries to correct the encroachment of the existing cottages on the subject properties. Furthermore two of the existing cottages (one situated on erf 1554 and one situated on erf 1555 Pearly Beach) encroach the building lines (in terms of the proposed Residential Zone 1: SR

zoning) and it is therefore proposed to address the encroachment as well by means of a departure.

2. APPLICATION DETAILS

Application is made in terms of:

- Section 17 of the Ordinance on Land Use Planning, Ordinance 15 of 1985, for the rezoning of erven 1554 and 1555 Pearly Beach, from Resort Zone to Residential Zone 1: Single Residential (SR1);
- Municipal systems Act, Act 32 of 2000, for the amendment of the Overstrand Spatial Development Framework (2006);
- Section 23 of the Ordinance on Land Use Planning, Ordinance 15 of 1985, for the erf boundary realignment (subdivision and consolidation) of erven 1554 and 1555 Pearly Beach;
- Section 15 of the Ordinance on Land Use Planning, Ordinance 15 of 1985, for the departure (building line relaxation) of erven 1554 and 1555 Pearly Beach.

3. DESIRABILITY

3.1 PROPERTY DESCRIPTION

The subject properties are situated at 13 and 15 Vergesig Street, Pearly Beach. Please refer to the locality plan attached.

Erf 1554 Pearly Beach is 1090m² in extent and erf 1555 Pearly Beach is 912m² in extent. Both the subject properties are held by title deed number T45440/2013. The subject properties slope to the back in a southern direction, and feature some Milkwood trees on site.

3.2 ZONING

Erven 1554 and 1555 Pearly Beach are zoned Resort Zone.

Surrounding properties are zoned for single residential and resort purposes.

3.3 LAND USE

There is currently one existing single storey cottage (75m²) on erf 1554 Pearly Beach and two existing single storey cottages (75m² each) on erf 1555 Pearly Beach. The age of the cottages is unknown (but they are not older than 60 years).

Land uses that surround erven 1554 and 1555 Pearly Beach are dwellings, a resort and public roads.

3.4 PROPOSAL

- The rezoning of erven 1554 and 1555 Pearly Beach in terms of Section 17 of the Ordinance on Land Use Planning, Ordinance 15 of 1985, from Resort Zone to Residential Zone 1: Single Residential (SR1);
- The amendment of the Overstrand Spatial Development Framework (2006) in terms of the Municipal systems Act, Act 32 of 2000;
- The erf boundary realignment (subdivision and consolidation) of erven 1554 and 1555 Pearly Beach in terms of Section 23 of the Ordinance on Land Use Planning, Ordinance 15 of 1985;
- The departure (building line relaxation) of erven 1554 and 1555 Pearly Beach in terms of Section 15 of the Ordinance on Land Use Planning, Ordinance 15 of 1985.

Erven 1554 and 1555 Pearly Beach were awarded Resort Zone with a previous application since it formed part of an intended larger resort development. Since the zoning was approved the land use of resort was never taken up by the previous owners. Our clients bought the properties in 2013 and therefore the subject properties are no longer part of the bigger resort scheme intended for these erven. Since the current owners do not intend to develop erven 1554 and 1555 Pearly Beach for resort purposes and since the existing land use associated with the properties is single residential, it is proposed to rezone the subject properties from Resort Zone to Residential Zone 1: Single Residential (SR1). The subject properties are situated within an existing single residential area and therefore the proposed zoning of SR1 will not have a negative impact on the surrounding properties or the area as a whole.

After rezoning, the subject properties still comply with the land uses allowed for SR1 zoned properties. Only one existing cottage (dwelling) will be situated on erf 1554 Pearly Beach. The two existing cottages on erf 1555 Pearly Beach will also remain since it is a primary right to have a primary dwelling and second / additional dwelling on a SR1 zoned property. The second dwelling complies with all the conditions specified for the approval of a second dwelling on the subject property.

Both erven 1554 and 1555 Pearly Beach are earmarked for resort purposes in terms of the Overstrand Spatial Development Framework (2006). To accommodate the proposed rezoning, application is also made to amend the Overstrand SDF (2006) to earmark erven 1554 and 1555 Pearly Beach for residential purposes instead of resort purposes. As previously mentioned the proposed zoning and land use are compatible with the surrounding properties and the area as a whole since the subject properties in a predominantly single residential area.

The existing cottages on erven 1554 and 1555 Pearly Beach currently encroach the erf boundaries. We therefore apply for the erf boundary realignment (subdivision and consolidation) of erven 1554 and 1555 Pearly Beach to allow the existing cottages currently associated with the respective portions, to be situated within the erf boundaries of each erf after the proposed erf boundary realignment. The new common erf boundary (subdivision line) was determined in such a manner as to allow for the 2m lateral building lines applicable on each property after the rezoning and erf boundary realignment. To accommodate the erf boundary realignment it is proposed to subdivide the subject properties as follows:

Erf 1554 Pearly Beach:

TOTAL AREA	1090m ²
AREAS FOR SUBDIVISION	PORTION A: ±33m ² REMAINDER: ±1057m ²
OWNER	M.A. STONE & S.J. HOFFMAN
TITLE DEED	T45440/2013

Erf 1555 Pearly Beach:

TOTAL AREA	912m ²
AREAS FOR SUBDIVISION	PORTION B: ±41m ² REMAINDER: ±871m ²
OWNER	M.A. STONE & S.J. HOFFMAN
TITLE DEED	T45440/2013

It is then proposed to consolidate the abovementioned portions as follows:

TOTAL EXTENT OF PROPOSED CONSOLIDATED ERF 1554	1098m ²
PROPOSED CONSOLIDATION	Portion B: ±41m ² RE/erf 1554: ±1057m ²

TOTAL EXTENT OF PROPOSED CONSOLIDATED ERF 1555	904m ²
PROPOSED CONSOLIDATION	Portion A: ±33m ² RE/erf 1555: ±871m ²

The coverage of the existing cottages after the erf boundary realignment will be as follows:

Newly consolidated erf 1554 Pearly Beach: ±7%

Newly consolidated erf 1555 Pearly Beach: ±17%

It is therefore evident that the maximum allowable coverage of 50% for SR1 zoned properties will not be exceeded.

It is not proposed to develop the subject properties any further at this stage. Any future additions / alterations on the subject properties will be done in accordance with

the land use parameters specified in the Overstrand Zoning Scheme.

Lastly, the existing cottages on both erven 1554 and 1555 Pearly Beach encroach the applicable lateral and rear building lines. It should be noted that the existing structures are already situated in close proximity to the common erf boundaries with erven 1540 and 1556 Pearly Beach respectively. Our application makes provision to only address the existing situation since the new SR1 zoning now requires stricter building lines than what would have been allowed for under Resort Zone.

Application is therefore made for a departure to relax the following building lines to accommodate the existing structures:

- The rear building line from 2m to 1,1m to accommodate the existing cottage on newly consolidated erf 1554 Pearly Beach;
- The eastern lateral building line from 2m to 0,3m to accommodate the existing cottage situated on the eastern boundary of the newly consolidated erf 1555 Pearly Beach.

Title deed no. T45440/2013 has no restrictive title deed conditions that need to be removed in order for this application to be approved.

The proposed rezoning, amendment of the Overstrand SDF (2006), erf boundary realignment and departure will have a minimal impact on the surrounding properties. The subject properties are situated in an existing single residential area and therefore the proposed zoning can be deemed a better zoning than the existing resort zoning (the last mentioned allows for higher impact land uses / densities than SR1 zoning does). The erf boundary realignment has no impact on the adjacent property owners since both the erven are owned by M.A. Stone and S.J. Hoffman. Lastly, the proposed building line relaxations are to accommodate the existing structures on the subject properties (no new structures / additions are proposed at this stage). The position of the proposed new common boundary between erven 1554 and 1555 Pearly Beach took into consideration the relevant 2m lateral building lines applicable to the erven.

The proposed zoning (and associated land use) is not associated with attracting high traffic volumes and will not amount to high levels of noise pollution in the area. The impact on the surrounding area will therefore be kept to a minimum.

The proposed rezoning, amendment of the Overstrand Spatial Development Framework (2006), erf boundary realignment and departure are not in contrast to the existing land uses tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

3.5 ACCESS

Access to erven 1554 and 1555 Pearly Beach will remain unchanged and will be from Vergesig Street.

3.6 SERVICES

All services on the subject property already exist. Additional services (if required) will be provided to the satisfaction of the Overstrand Municipality.

3.7 TITLE DEED

Title deed no. T45440/2013 has no restrictive conditions that need to be removed in order for this application to be approved.

There are no bonds registered against the subject properties.

3.8 FORWARD PLANNING

The Overstrand Spatial Development Framework (2006) earmarks erven 1554 and 1555 Pearly Beach for resort zone purposes (see plan attached). The proposed

rezoning of the subject properties from Resort Zone to SR1 does therefore not comply with the spatial planning for the erven. Application is therefore made to amend the Overstrand SDF (2006) – refer to Section 3.4 of the report.

Erven 1554 and 1555 Pearly Beach form part of Planning Unit no. 3 as identified by the Overstrand Municipal Spatial Growth Management Strategy (OMSGMS, 2010). Furthermore the OMSGMS (2010) stipulates that the area where erven 1554 and 1555 Pearly Beach is situated does not allow for an increase in density of more than 8 density units per hectare. Refer to the OMSGMS (2010) plan for Pearly Beach attached. It is not proposed to subdivide erven 1554 and 1555 Pearly Beach to create additional units. There is an existing second dwelling on erf Pearly Beach therefore the density of the area will remain unchanged.

4. RECOMMENDATION

When this application is evaluated it is important to take note of the following:

- The subject properties are situated in an existing single residential area and therefore the proposed zoning is compatible with the character of the area;
- The proposed Overstrand SDF (2006) amendment is to allow for the lower impact zoning for the subject properties and is not in contrast to surrounding land uses;
- The proposed departure is to accommodate the existing structures only;
- All services on the subject properties already exist;
- The proposal is compatible with the existing built character of the area;
- The impact on the traffic and services will be kept to a minimum;
- The proposed rezoning, amendment of the Overstrand SDP (2006), erf boundary realignment and departure will not have a negative impact on the current character and land values of the surrounding erven.

With regards to the above mentioned it would be appreciated if Council would approve the rezoning, amendment of the Overstrand SDP (2006), erf boundary realignment and departure of erven 1554 and 1555 Pearly Beach.