



MUNISIPALITEIT OVERSTRAND
ERF 2052, ROTUNDAWEG 19, PEARLY BEACH,
OVERSTRAND MUNISIPALE AREA: AANSOEK OM
OPHEFFING VAN BEPERKENDE TITELAKTE
VOORWAARDES EN ONDERVERDELING: PLAN
ACTIVE STADS -EN STREEKSBEPLANNERS NAMENS
CD MILLER & A FERREIRA

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoek van toepassing op Erf 2052, Pearly Beach, naamlik:

- aansoek om opheffing van beperkende titelakte voorwaarde C.4(a) soos vervat in titelakte T25237/2019 van toepassing op bogenoemde erf in terme van Artikel 16(2)(f) van die Verordening;
- aansoek om onderverdeling in terme van Artikel 16(2)(d) van die Verordening om bogenoemde eiendom in 2 gedeeltes te onderverdeel, naamlik: Gedeelte A ($\pm 891m^2$) en Restant ($\pm 800m^2$).

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

Enige kommentaar moet skriftelik ingedien word in terme van Artikels 51 en 52 van die bogenoemde Verordening by die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) aconradie@overstrand.gov.za voor of op **10 September 2021**, vergesel van u naam, adres, kontak besonderhede, belang in die aansoek en redes vir kommentaar. 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 persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning 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. 100/2021

OVERSTRAND MUNICIPALITY
ERF 2052, 19 ROTUNDA WAY, PEARLY BEACH,
OVERSTRAND MUNICIPAL AREA: REMOVAL OF
RESTRICTIVE TITLE DEED CONDITIONS AND
SUBDIVISION: PLAN ACTIVE TOWN AND
REGIONAL PLANNERS ON BEHALF OF CD MILLER
& A FERREIRA

In terms of Section 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 notice is hereby given of the applications mentioned below applicable to Erf 2052, Pearly Beach, namely:

- removal of restrictive title deed condition C.4(a) as contained in title deed T25237/2019 applicable to the above-mentioned property in terms of Section 16(2)(f) of the By-Law;
- application for subdivision in terms of Section 16(2)(d) of the By-Law to subdivide the above-mentioned property into 2 portions, namely: Portion A ($\pm 891m^2$) and Remainder ($\pm 800m^2$).

Detail regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning at 16 Paterson Street, Hermanus and at the Gansbaai Library, Main Road, Gansbaai.

Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za on or before **10 September 2021**, quoting your name, address, contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the **Senior Town Planner, Mr SW van der Merwe** at 028-313 8900. The Municipality may refuse to accept comment received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

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

Municipal Notice No. 100/2021

UMASIPALA WASE-OVERSTRANDISIZA ESINGU-
ERF2052, 19 ROTUNDA WAY, PEARLY BEACH,
KUMMANDLA KAMASIPALA WASE-OVERSTRAND:
UKUSHENXISWA KWEEMKO EZIYIMIQOBO
KWITATIYILE YOBUNINI NOKWAHLULA-
HLULA:NGABAKWAPLAN ACTIVE NEREGIONAL
PLANNERS EGAMENI LIKA- CD MILLER & A FERREIRA

Kukhutshwe isaziso ngokweSoloty lama-47 nelama-48 nguMasipala waseOverstrand esingoMthethwana wokuHlomela Umthethwana ongezwangciso Zokusetyenziswa koMhlaba kaMasipala eOverstrand saziso eso simayela nezicelo ezisebenzakwisiza esinguErf 2052, Pearly Beach, esaziwa:

- Ukushenxiswa kweemeko eziyimiqobo kwiitayitile zobunini C.4(a)njengoko ziqulethwe kwitayitile yobunini T25237/2019 esebenza kwisiza somhlaba esichazwe ngentla ngokweSoloty le 16(2)(f) loMthethwana;
- Isicelo sokwahlula-hlula ngokweSoloty le16(2)(d) loMthethwana ongokwahlula-hlula isiza somhlaba ngentla sibe zinxalenye ezi-2, ezibizwa iNxalenye A(+/- 891m) neNtsalela (+/_ 800m).

Iinkcukacha ezimayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini phakathi kwentsimbi ye8:00 neye16:30 kwiSebe: Lezicwangciso ngeDolophu kwa16 Paterson Street, eHermanus naseGansbaai Library, Main Road, Gansbaai.

aziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zeSoloty lama-51 nelama-52 Omthethwana ochazwe ngentla kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi **komhla wama 10 uSeptemba ku2021**, uchaze igama lakho, idilesi, iinkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla. Imibuzo ngefowuni ingabuzwa ku**Mcwangcisi Omkhulu weDolophu, Mnu. S.W. van der Merwe** kwa-028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe Lezicwangciso apho igosa likamasipala liza kumnceda ukufaka izimvo zakhe ngokusemthethweni.

UMlawuli kaMasipala, Overstrand Municipality,

PO Box 20, **HERMANUS**, 7200

Inothi kaMasipala Nomb.100/2021



Scale: NTS

Drawing Nr: erf 2052pb.drw

Date: JUNE 2021

Plan Description:

LOCALITY MAP

Property Description:

ERF 2052
PEARLY BEACH

All distances approximate
and subject to survey.

COPY RIGHT RESERVED

Stads- en Streeksbeplanners
Town & Regional Planners



**PROPOSED SUBDIVISION & REMOVAL OF A
RESTRICTIVE TITLE DEED CONDITION**

ERF 2052 PEARLY BEACH

DIVISION: CALEDON

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Plan Active Town & Regional Planners has been appointed by C.D. Miller and A. Ferreira, the owners of erf 2052 Pearly Beach, to apply for the subdivision and removal of a restrictive title deed condition of the subject property.

Erf 2052 Pearly Beach is 1 691m² in extent and held by Title Deed no. T25237/2019.

The subject property is developed. Erven 1903 and 1904 Pearly Beach were consolidated in 2000 to create erf 2052 Pearly Beach (refer to SG diagrams no. 5375/2000, 2595/1971 & 2596/1971). The owners intend to subdivide erf 2052 Pearly Beach into two portions to create erf sizes equal to the previous erven 1903 and 1904 Pearly Beach, prior to consolidation.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the subdivision of erf 2052 Pearly Beach;

- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the removal of a restrictive title deed condition of erf 2052 Pearly Beach.

3. NEED AND DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erf 2052 Pearly Beach is situated at 17 / 19 Rotunda Way, Pearly Beach. The property is situated on the western edge of Pearly Beach. Refer to the locality plan attached.

The property is developed with a single storey dwelling and a double garage. The existing structures are positioned on the southern portion of the subject property and were constructed as per the approved building plans for erf 1903 Pearly Beach (before consolidation). The subject property has a level gradient with no substantial slope.

3.2 ZONING

Erf 2052 Pearly Beach has the following land use rights:

ERF NUMBER	ZONING
Erf 2052 Pearly Beach	Residential Zone 1: Single Residential (SR1)

Surrounding properties are zoned for single residential, public road and public open space purposes.

3.3 LAND USE

The subject property is currently developed with a single storey dwelling and a double garage.

Land uses that surround the subject property are single and double storey dwellings (permanent residences and holiday homes), vacant erven and public open spaces.

3.4 THE POTENTIAL OF THE PROPERTY

Erf 2052 Pearly Beach is currently a larger portion of land situated in the existing residential area of Pearly Beach. The subject property was consolidated in 2000 and previously consisted of erven 1903 and 1904 Pearly Beach. The zoning and land use of the subject property will remain unchanged. The location of the subject property within an existing established single residential area allows the property to be developed for low impact land uses only in future. The proposed subdivision and removal of a restrictive title deed condition will not hinder any future land use applications on either of the portions after subdivision.

When evaluating the proposed subdivision and removal of a restrictive title deed condition against surrounding erf sizes, minimum erf sizes, minimum street frontage widths, the proposed layout, etc. it is evident that the subject property has the potential to be subdivided into two portions with similar erf sizes than erven 1903 and 1904 Pearly Beach, before consolidation. Two similar portions of $\pm 800\text{m}^2$ and $\pm 891\text{m}^2$ respectively are proposed. All the erven adjacent to and in the immediate vicinity of erf 2052 Pearly Beach have similar erf sizes.

The proposed erf shapes follow the existing grid pattern of this specific residential block. Access to the portions after subdivision will be from Rotunda Way. It is therefore submitted that the proposed erf sizes, erf shapes and accesses for the two newly created portions after subdivision and removal of the restrictive title deed condition are compatible with the character of the area and therefore has the potential to be subdivided.

3.5 PROPOSAL

The following are proposed:

- The subdivision of erf 2052 Pearly Beach into two portions in terms of Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, as follows:
 - Portion A: ±891m²
 - Remainder: ±800m².
- The removal of a restrictive title deed condition in terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to remove condition C.4.(a) on pages 2-3 of title deed no. T25237/2019 that prohibits the subdivision of erf 2052 Pearly Beach.

The potential of the subject property is discussed in detail in *Section 3.4 Potential of the property*.

When the proposed subdivision and the removal of the restrictive title deed condition of erf 2052 Pearly Beach were considered cognisance was taken of the following criteria:

- erf sizes before consolidation;
- physical characteristics of the subject property;
- surrounding and minimum erf sizes;
- accessibility to the subject properties;
- impact on the character of the area;
- grid pattern and proposed erf shapes;
- applicable spatial planning policies and densification guidelines.

The subject property is developed. Erven 1903 and 1904 Pearly Beach were consolidated in 2000 to create erf 2052 Pearly Beach. The owners intend to subdivide erf 2052 Pearly Beach into two portions to create two similar erf sizes than erven 1903 and 1904 Pearly Beach before consolidation.

It is proposed to subdivide erf 2052 Pearly Beach as follows:

TOTAL AREA	1691m ²
AREAS FOR SUBDIVISION	Portion A: ±891m ² Remainder: ±800m ²
OWNERS	C.D. Miller A. Ferreira
TITLE DEED	T25237/2019

Refer to the subdivision plan attached.

The Overstrand Municipality's densification policy establishes the principle of incremental densification in an established residential area if it does not have a detrimental impact on its character. It is important to enhance and protect the character of the existing low-density residential area, while still sensitively densifying where appropriate. This ensures that a wide range of erf sizes and types of development are available, not only within this precinct, but also within the entire greater Gansbaai area.

The subdivision line was determined to create two similar erven than erven 1903 and 1904 Pearly Beach, before consolidation. None of the existing structures will have to be demolished to accommodate the proposed subdivision line. Minimum common boundary building lines of 2m (from the proposed subdivision lines / new erf boundaries) and street building lines of 4m will apply to both the newly created portions. The existing dwelling and additions on Remainder erf 2052 Pearly Beach were approved by the building department in the past (copies of the approved building plans for erf 1903 Pearly Beach are attached). There is no encroachment of building lines at the subdivision line / new common boundary.

It was attempted to keep the subdivision line as simple and practical as possible to avoid creating asymmetrical erf shapes that would have an impact on the future development of the subject properties as well as the character of the area. This residential area is characterised by grid (rectangular) shaped erven and as a result the proposed erf shapes after subdivision are still compatible with the area.

The zoning of the respective portions after subdivision will remain unchanged (SR1).

The proposed subdivision adheres to all other land use restrictions in the Overstrand Land Use Scheme Regulations (2020). Subdivision applications into similar sized erf portions were already favourably considered in the past in this residential area. The subject property consisted of two of the exact same erf sizes prior to the consolidation of erven 1903 and 1904 Pearly Beach. Changes in the area since the subject property was consolidated were minimal and consequently this application has merit to create similar sized single residential erven. The impact of the proposed subdivision into two portions of $\pm 891\text{m}^2$ and $\pm 800\text{m}^2$ in extent respectively is regarded as a low impact land use application.

The coverage for Portion A, a portion of erf 2052 Pearly Beach, after subdivision will be 0% since the proposed portion will be vacant. A maximum coverage of 50% must be adhered to once the portion is developed in future. The existing structures on Remainder erf 2052 Pearly Beach will be retained. The extent of the existing structures is $\pm 248\text{m}^2$. The coverage of Remainder erf 2052 Pearly Beach will be $\pm 31\%$ after subdivision. Since the newly created portion (Portion A) will be transferred to a prospective buyer in future, any future development of Portion A, a portion of erf 2052 Pearly Beach, will be done in accordance with the land use restrictions applicable to the relevant zoning.

Refer to Section 3.15 of this report for further motivation in terms of the relevant spatial planning policies.

The proposed subdivision will not have a negative impact on the surrounding erven as the zoning of the subject properties will remain Single Residential Zone I, the proposed portion sizes are compatible with similar surrounding property sizes and no deviations from the applicable zoning parameters are proposed.

There is a restrictive title deed condition that prohibits the subdivision of the subject property. The removal of the title deed condition application is addressed in Section 3.14 *Title Deed* of this report.

The proposed subdivision and the removal of the restrictive title deed condition of erf 2052 Pearly Beach are not in contrast to the existing land use tendencies in the

surrounding environment and we therefore do not foresee any problems with the proposed application.

3.6 ECONOMIC IMPACT

The proposed subdivision and removal of the restrictive title deed condition will have a positive impact on the economy of the area. By allowing the subdivision of the subject property, it creates one additional residential portion from which the municipality can attain bulk service levies as well as monthly rates and taxes. Furthermore, one of the portions after subdivision will be a vacant portion of land and this implies that the future construction of a dwelling with outbuilding on the property will create temporary employment opportunities. The new portion will be occupied by a new family who will invest and spend in the immediate local business area.

The proposed subdivision and the removal of the restrictive title deed condition will allow for the provision of increased residential accommodation in a well-located area.

3.7 SOCIAL IMPACT

The proposal will have a positive social impact as the proposed subdivision and removal of the restrictive title deed condition will facilitate additional ownership of property. The impact that a new family to the area will have, will be beneficial and no negative impacts are anticipated.

The impact on the social wellbeing and social coherence of the adjacent community will be minimal given the extent of the proposed portion after subdivision as well as the fact that the zoning and land use of the newly created portions will be in line with the zoning and land uses associated with the immediate area.

3.8 COMPATIBILITY WITH SURROUNDING LAND USES

The subject property is situated in an existing low-density residential area. The application does not propose to change the zoning or land use of the subject property and therefore the proposed subdivision and removal of the restrictive title deed condition are compatible with the surrounding land uses.

As mentioned in Sections 3.4 and 3.5 of this report the previous erf sizes before erven 1903 and 1904 Pearly Beach were consolidated (to create erf 2052 Pearly Beach), the surrounding erf sizes, the street frontage widths of existing erven with similar sizes, the conformity with the existing grid layout, etc. proof that the subdivision into two portions is compatible with the existing context and character of the area. Most of the erven in this street are 800m² in extent and larger. The extent of the newly created portions is compatible with the existing low-density residential area.

According to the development rules of the Overstrand Municipal Land Use Scheme Regulations (2020) the subdivision will allow for the development rules for erven >400m² to apply to the two newly created portions. The proposed subdivision will therefore maintain the existing development parameters applicable to the subject property:

a) Coverage

The **maximum coverage** for all **buildings** on the land unit is **determined in accordance** with the net erf area, as listed in the table below:

Net erf area	Maximum coverage
Less than 150 m ²	80%
Less than 400 m ²	65%
400 m² and greater	50%

b) Building lines

(i) Street building line

The street **building line** is **determined in accordance** with the net erf area, as listed in the table below:

Net erf area	Street building line
Less than 150 m ²	1,0 m
Less than 400 m ²	2,0 m
400 m² and greater	4,0 m

(ii) Side and rear **building** line

The side and rear building lines are **determined in accordance** with the net erf area, as listed in the table below:

Net erf area	Side and rear building lines
Less than 150 m ²	At least 1,0 m one side and 0 m on the other side. Rear = 1,0 m.
Up to 400 m ²	1,0 m
Greater than 400 m²	2,0 m

c) Height

- (i) The maximum height of a **building** measured from the base level to the top of the structure is **8,0 m**.

*Overstrand Land Use Scheme, 2020***3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES**

Erf 2052 Pearly Beach is currently developed. It is anticipated that one of the portions will retain the existing sewer and water services connections, since the subject property consisted of two erven prior to consolidation. New services for the additional portion created will be provided in line with the Overstrand Municipality's regulations for installing services infrastructure.

Since only one new erf is created, bulk services levies will only be payable for one newly created portion.

3.10 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

The proposed subdivision and removal of the restrictive title deed condition will have no impact on the general safety and wellbeing of the surrounding community. It is anticipated that two families will potentially occupy the two respective erven after the proposed subdivision of erf 2052 Pearly Beach. The development of Portion A, a portion of erf 2052 Pearly Beach is a better alternative as opposed to a vacant portion of land currently open to vagrants and unwanted elements in the area.

Furthermore, the construction of a new dwelling on Portion A, a portion of erf 2052 Pearly Beach, will conform to the relevant land use, building and construction guidelines of the municipality. The latter will ensure the safe construction of the dwelling and guarantee the safety and minimal noise pollution during construction to the immediate community.

Since the proposed subdivision and removal of the restrictive title deed condition are not associated with a noxious trade with polluting air emissions the impact on the health of the community will be kept to a minimum.

3.11 IMPACT ON HERITAGE

The application does not involve changing the character of a site larger than 5 000m². Consequently, the proposed application for the subdivision and removal of the restrictive title deed condition do not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Erf 2052 Pearly Beach is not situated within the Heritage Overlay Zone as determined by the Overstrand Heritage Report (2009). The subject property does neither fall within the Heritage Overlay Zone demarcated in the Overstrand Municipal Growth Management Strategy (2010) nor the Heritage Protection Overlay Zone (2020).

The impact on the visual landscape of the area will be kept to a minimum since the future dwelling on Portion A, a portion of erf 2052 Pearly Beach, will be developed in line with the development parameters stipulated in the Overstrand Municipal Land Use Scheme (2020) for SR1 zoned properties (development parameters description included in Section 3.8 of this report).

From the above it is evident that the proposed application does not encompass any heritage significance and therefore the impact on the heritage value of the area will be kept to a minimum.

3.12 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed subdivision and the removal of the restrictive title deed condition (land use application) to create one additional single residential erf do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998). In addition, the subject property does neither fall within the coastal management zone nor the Environmental Management Overlay Zone (2020).

Should the future development of the respective portions after subdivision trigger a NEMA application, due process will be followed prior to the commencement of the construction on site.

3.13 TRAFFIC IMPACT, PARKING AND ACCESS

Erf 2052 Pearly Beach currently takes access from Rotunda Way. Both Portion A, a portion of erf 2052 Pearly Beach, and Remainder erf 2052 Pearly Beach will take access from Rotunda Way after subdivision. Refer to the subdivision plan attached.

The exact position of the access points / gates will only be determined once building plans are available and submitted in future for the respective portions.

The impact on the traffic of Pearly Beach and the immediate area will be kept to a minimum since the proposal is in line with the status quo of the area and only one additional residential property is created.

There is an existing double garage on Remainder erf 2052 Pearly Beach. The remainder portion therefore complies with the minimum parking requirements applicable to SR1 zoned properties. The development of Portion A, a portion of erf 2052 Pearly Beach, after subdivision will have to comply with the relevant land use scheme's parking requirements – i.e. at least two parking bays / garages must be provided for on site for each new portion created.

3.14 TITLE DEED

Title deed no. T25237/2019 has a title deed condition that prohibits the subdivision of erf 2052 Pearly Beach. Refer to a copy of the conveyancer's certificate compiled by H.L. van Zyl of Van Zyl Kruger Attorneys dated 17 June 2021 with pivot title deeds no. T76412/1910 and T5397/1917 attached thereto. Application is therefore made for the removal of a restrictive title deed condition.

It is proposed to remove the following restrictive title deed condition registered in favour of the Administrator (now the Overstrand Municipality) to accommodate the proposed subdivision of erf 2052 Pearly Beach into two portions:

Title deed no. T25237/2019, pages 2-3, paragraph C.4(a):

C. SUBJECT FURTHER to the following conditions created in Certificate of Registered Title No. T24606/1972 imposed by the Administrator of the Province of the Cape of Good Hope in terms of the provisions of Ordinance No. 33 of 1934 when approving of the establishment of the township, namely:-

4. This erf shall be subject to the following conditions, provided especially that where, in the opinion of the Administrator, after consultation with the townships board and the local authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorise the

necessary suspension or relaxation subject to compliance with such conditions as he may impose-

- a) *It shall not be subdivided except with the written consent of the Administrator."*

Section 39(5) of the Land Use Planning Act (LUPA), 2014, stipulates that a Municipality should have regard to the following factors when considering the "removal, suspension or amendment of a restrictive condition":

- ***The financial or other value of the rights in terms of the restrictive conditions 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***

It is our opinion that the "no subdivision" restriction neither has value to the owners of property within the Township nor the municipality (who now fulfils the role of the Administrator). Similar restrictive title deed conditions have been removed from the title deeds of properties in Pearly Beach to enable subdivisions which have proven to have significantly increased property values in the area.

This, together with the expectation of property owners in the area to enhance the value of their properties (since conditions have been removed from the title deeds of other erven in the Pearly Beach area and the fact that densification is promoted in the relevant spatial planning policies), it is evident that the title deed restriction rather has a negative impact on the area and that the removal of the restriction will have a positive impact on property values.

Some factors which impact the value of a property and the surrounding area include the location of a property, the slope of a property, the slope of the area and views from the property. The extent of a subject property is regarded a lesser factor when considering the impact on the value of a property. As a result, subdivision with the simultaneous removal of the restrictive title deed condition will increase the value of properties in the area.

The proposed subdivision will economically benefit the area while simultaneously achieving the municipality's economic and social objectives of

providing a variety of accommodation offerings. In addition, the proposed subdivision will strengthen the municipality's ("administrator's") rate base.

- ***The personal benefits which accrue to the holder of rights in terms of the restrictive conditions***

The condition was imposed by the Administrator in terms of Ordinance 33 of 1934 and does not result in a "personal benefit" to the holder of the rights. No real rights will be impacted on following the deletion of the condition.

The condition was applicable to the subject properties before consolidation (to prevent subdivisions into smaller erf sizes than the average erf size of the area). This title deed condition was transferred to the consolidated property, which now merely intends to revert to the two portions before consolidation took place. The removal of the subdivision condition will merely allow a subdivision layout as per the original erf sizes prior to consolidation.

- ***The personal benefits which will accrue to the person seeking the removal of the restrictive conditions, if they are removed***

The removal of a restrictive title deed condition will bring about personal benefits to the landowners since it will allow them to subdivide the subject property into two portions similar to the erf sizes and layout before previously consolidating erven 1903 and 1904 Pearly Beach. The personal benefit will therefore be that of ownership similar to the ownership of two separate erven prior to the consolidation of erven 1903 and 1904 Pearly Beach. If the property is not subdivided and developed with a second dwelling unit only (the other densification alternative), the owners will not be able to sell the respective units as separate title units. However, the subdivision will enable the owners to sell one of the subdivided erven and afford the new property owner the opportunity to develop the newly created portion.

- ***The social benefit of the restrictive conditions remaining in place in its existing form***

There will be an insignificant social benefit if the title deed condition was to remain unchanged since this will merely imply that the character of Rotunda Way and the density of the area will remain unchanged. The title deed

restriction limits the opportunity to exercise choice and inhibits the adaption of the area.

- ***The social benefit of the removal or amendment of the restrictive conditions***

The deletion of the restriction will have a positive social benefit since it will result in sensitive residential densification within an existing urban area, near the many amenities that the Greater Gansbaai and surrounding areas have to offer. The proposed subdivision will also broaden the variety of opportunities available to prospective buyers who want to reside in Pearly Beach and enjoy the amenities and the natural environment. The proposal is in line with the provincial and municipal spatial development planning policies. In addition, the subdivision will benefit the area as described in the previous paragraphs.

- ***Whether the removal, suspension or amendment of the restrictive conditions will completely remove all rights enjoyed by the beneficiary or only some of those rights***

The removal of the restrictive condition will not remove all rights enjoyed by the beneficiary, but only one right and will instead expand the value of these rights to enable sensitive and appropriate densification in line with the municipality's densification policy without impacting negatively on any existing rights. Furthermore, the municipality will still be able to regulate the development of the respective erven in line with the development parameters set out in the Overstrand Land Use Scheme Regulations (2020) and to impose conditions of approval with the granting of the subdivision application.

There is no bond registered against erf 2052 Pearly Beach.

3.15 FORWARD PLANNING AND LAND USE DOCUMENTS

3.15.1 WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF, 2014)

The Provincial Spatial Development Framework (PSDF, 2014) supports densification. The PSDF (2014) regards subdivisions as one of the options of urban development

tools available to achieve appropriate densification in the Western Cape.

3.15.2 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2020)

The Overstrand Spatial Development Framework (2020) earmarks the area where erf 2052 Pearly Beach is situated, for residential purposes. Refer to the Spatial Development Framework Plan (2020) below. The zoning and use of the subject property will remain unchanged (Residential Zone I: Single Residential for single residential use). As a result, the impact of the proposed subdivision and removal of the restrictive title deed condition on the spatial integrity of the area will be minimal and is therefore consistent with the Overstrand SDF (2020).



3.15.3 OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY (2010)

The Overstrand Municipality's densification policy establishes the principle of incremental densification in an established residential area if it does not have a detrimental impact on its character. It is important to enhance and protect the character of the existing low-density residential area such as Pearly Beach, while still sensitively densifying where appropriate. This ensures that a wide range of erf sizes and types of development are available, not only in the Pearly Beach area, but also within the greater Gansbaai area.

The Overstrand Municipal Growth Management Strategy (OMGMS, 2010) specifies that erf 2052 Pearly Beach is part of Planning Unit no. 3. This planning unit specifies an increase in density from 6,7 to 8 density units per hectare. Refer to the extract from the OMGMS (2010) Proposals Plan below for Pearly Beach:



The subject property allows itself to be developed with one additional portion since the subject property previously consisted of two erven with the exact same portion sizes. Only one additional portion will be created after subdivision and thus the proposal contributes towards sensitive densification in Pearly Beach. The impact on

the overall density of this area will therefore be kept to a minimum while still achieving the densification strategies for the area.

With this application incremental development is proposed. The proposed erf sizes of $\pm 800\text{m}^2$ and $\pm 891\text{m}^2$ are in line with the average erf size in this area ($\pm 800\text{m}^2$). The subject property also allows itself to be developed for single residential purposes since the property previously consisted of two similar sized erven before consolidation. Since the area has not changed significantly, there is merit for the positive consideration of subdividing erf 2052 Pearly Beach. The proposal will therefore slightly impact on the density of the area while still retaining the status quo.

There is no specified minimum erf size in this area. The subdivided portions will however be in keeping with the sizes and erf shapes of the properties in the immediate vicinity. The newly created portions will be practical with respect to access, developable areas, connecting to bulk services and the installation of services.

The proposal will promote land development in a location that is sustainable. The proposed subdivision and removal of a restrictive title deed condition are to an improved erf within an established residential area and therefore will not impact on urban sprawl or upon a sensitive environment.

3.16 PLANNING PRINCIPLES

The planning principle of spatial resilience does not apply to this application.

Spatial justice: This principle addresses the need to address the past imbalances regarding opportunity. This application is for an erf as per the establishment of the existing Pearly Beach Township and this principle does therefore not apply to this application.

Spatial sustainability: The proposed subdivision and removal of a restrictive title deed condition are to create one new single residential erf. As contemplated in *Section 3.15 Forward Planning and Land Use Documents* the proposed land use application is in line with the spatial planning policies for the area.

The layout of the proposed single residential erven is practical with respect to access, developable areas, connecting to bulk services and the installation of services. The visual impact will be kept to a minimum since the portions will be developed in line with the relevant zoning scheme regulations. Since the status quo of the area will be maintained while contributing towards sensitive densification, it is submitted that the proposed future dwelling with outbuildings / garages on Portion A, a portion of erf 2052 Pearly Beach will be compatible with the character of the area and will not impact negatively on the existing rights of anyone else. As a result, the proposed subdivision and removal of a restrictive title deed condition will have no adverse impact on the spatial sustainability of the area.

Efficiency: The subject property is easily accessible and conveniently located close to Gansbaai and major routes. The subdivision and removal of the restrictive title deed condition of erf 2052 Pearly Beach will have a low impact on the character and ambiance of the existing residential area as motivated in this report. It proves to be efficient to allow the subdivision and removal of a restrictive title deed condition since the impact will be kept to a minimum, while a new portion is created for a family to obtain and develop. As motivated in the above sections of the report the proposal is compatible with surrounding properties in the immediate area.

The proposed subdivision and removal of a restrictive title deed condition prove to be efficient since it discourages the phenomenon of urban sprawl, encourages densification and more compact towns and cities, all of which relate to more responsible resource and infrastructure use and sustainable development. Moreover, the proposal is efficient in that it optimizes existing resources and infrastructure and continues the existing suburban development typology.

Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient,

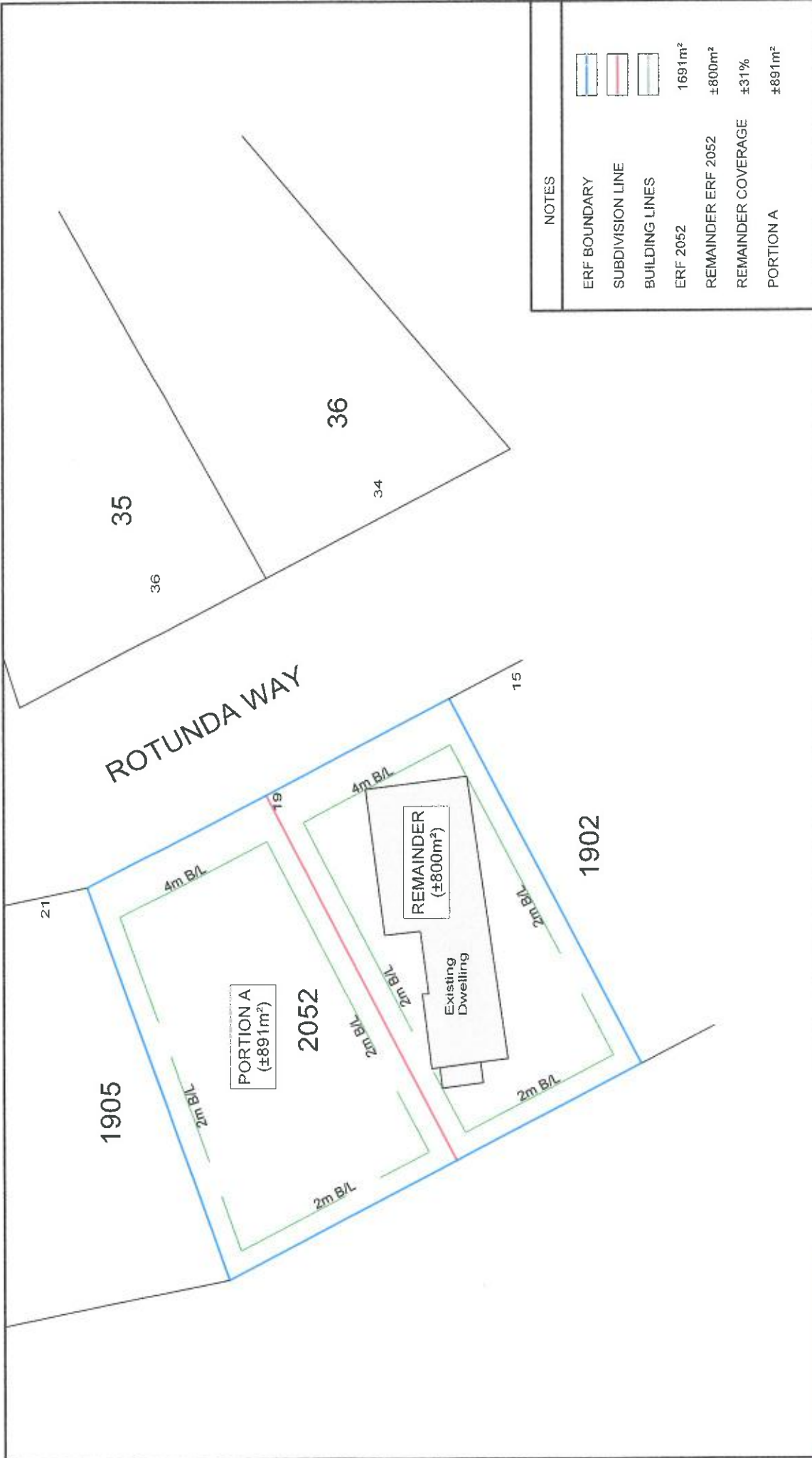
uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

4. RECOMMENDATION

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

- The subject property previously consisted of two erven. This application proposes to create the exact same portions than before consolidation;
- The proposed application will not have a negative impact on the existing land use rights of the subject property or those of surrounding properties;
- The proposal to create one additional portion is compatible with the existing character and erf sizes of the immediate area;
- The zoning of Residential Zone I: Single Residential and land use (single residential) is compatible with the surrounding zonings of the area;
- Impact on the traffic and services will be kept to a minimum;
- The proposed subdivision and removal of a restrictive title deed condition comply with the spatial planning policies for the area;
- The proposed land use application does not trigger any listed activities in terms of NEMA (Act 107 of 1998) and Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999);
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013).

With regards to the above mentioned it would be appreciated if the application for the subdivision and removal of the restrictive title deed condition of erf 2052 Pearly Beach be approved.



NOTES

	ERF BOUNDARY	1691m ²
	SUBDIVISION LINE	±800m ²
	BUILDING LINES	±31%
	ERF 2052	±891m ²
	REMAINDER ERF 2052	
	REMAINDER COVERAGE	
	PORTION A	

	Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description: ERF 2052 PEARLY BEACH	Plan Description: SUBDIVISION PLAN	Scale: 1:500 Drawing Nr: erf.2052pbs.dwg Date: JUNE 2021	

AI-5DB
X5

PEARLY BEACH

1:2500

514

AI-6CA
XI

51

AI-5DB
X5



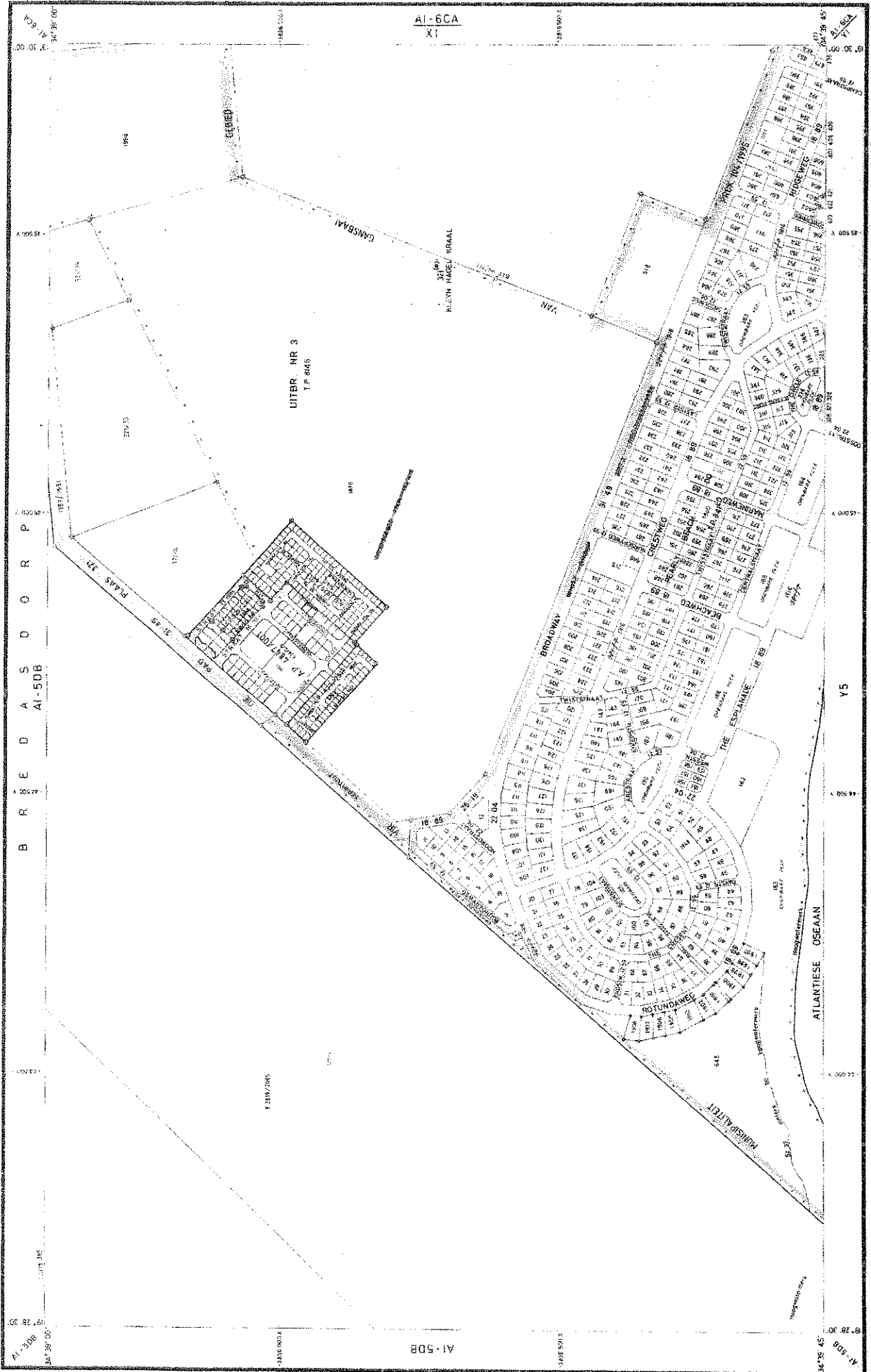
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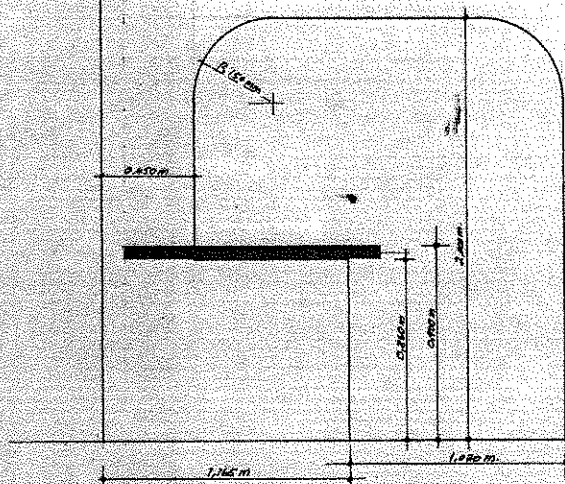
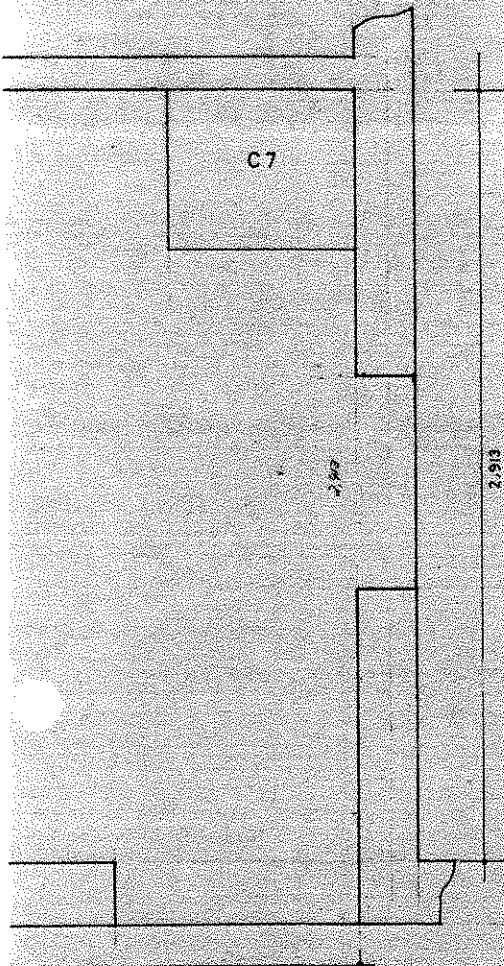
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Samengesteld in de kantoor van de Landmeter - Gemeente - Buissector
Buissectoringenget. Nr. 88

H. De Vries

42

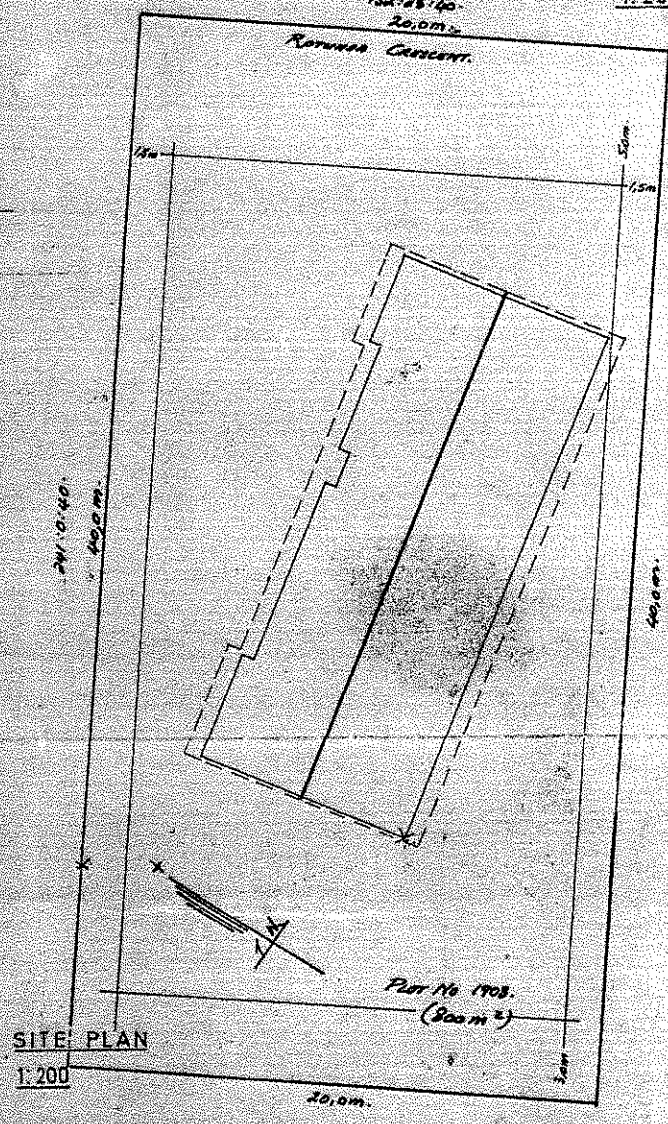




DETAIL DINETTE NOOK
1:25

SCHEDULE

- ESCOM METER BOX -- FLUSH TYPE
- DISTR. BOARD 11 WAY, FLUSH TYPE, HEIDEMANN, SAMMITE
- FLUORESCENT, DOUBLE, 1.7M
- LIGHT POINT
- LIGHT POINT -- WALL
- EXTERNAL LIGHT
- BELL PUSH
- DINNER SWITCH
- ONE LEVER SWITCH
- TWO LEVER SWITCH (1 way - 2 way)
- THREE LEVER SWITCH
- THREE POINT 15A OUTLET ALL DOUBLE
- TV CONNECTION PIPE
- TELEPHONE CONDUIT 20mm
- STOVE



SITE PLAN
1:200

L.M. Harris E 1703