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**ERF 639, 9 LAW STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND CONSENT
USE: PLAN ACTIVE TOWN- & REGIONAL PLANNERS ON BEHALF OF JC KOEKEMOER**

636 GPB (4849/2024)

SW van der Merwe
17 April 2026

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Hermanus Administration

1. EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), has been received on 23 October 2024 from PlanActive Town- and Regional Planners on behalf of JC Koekemoer, the owner of Erf 639, Pearly Beach for the following:

- ❖ **Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law for removal of conditions C.4(b) and D.2 as contained in Title Deed T36441/2005 to accommodate a bottle store, and
- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law to accommodate a bottle store.

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, the proposed Site Development Plan is attached as Annexure C. The title deed is attached as Annexure D.

2. DECISION AUTHORITY

Municipal Planning Tribunal

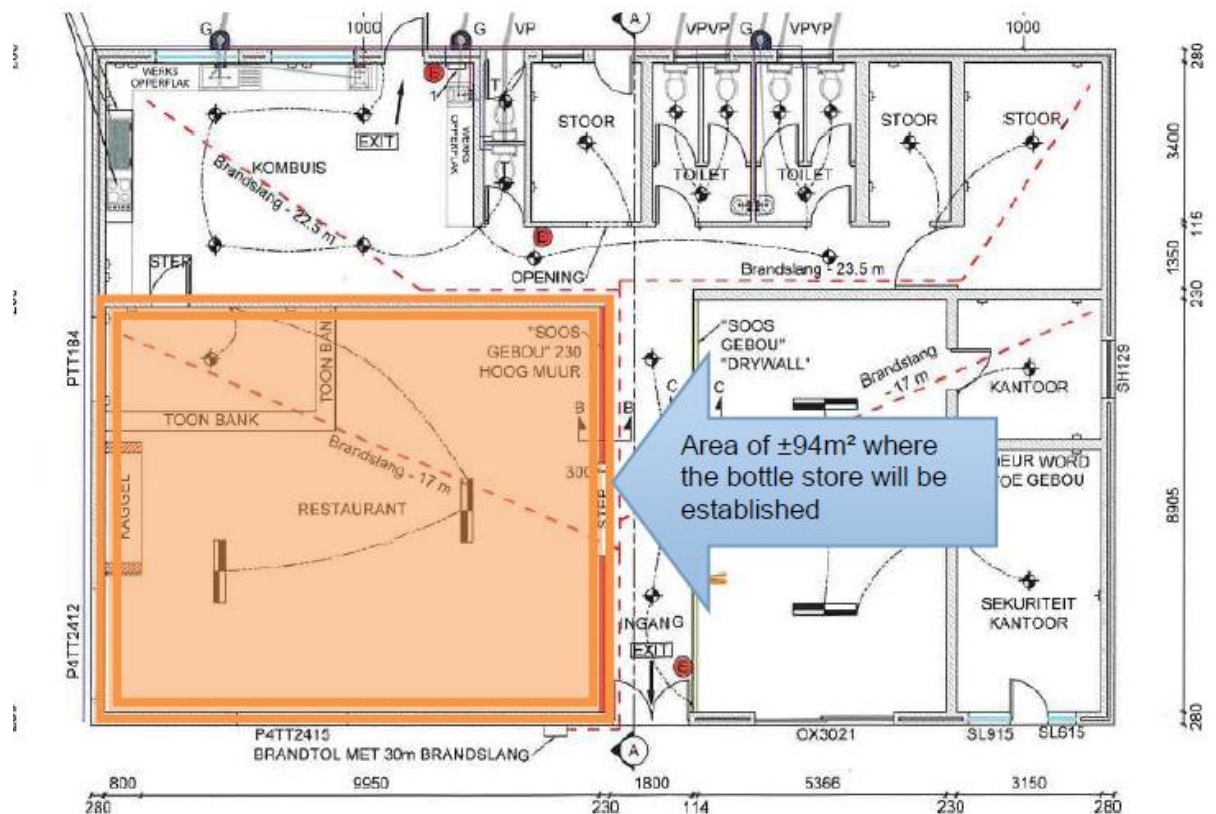
3. BACKGROUND / SITE HISTORY

Erf 639, Pearly Beach measures 555m² in extent and is zoned Business Zone 3: Local Business. The property is situated in the main business node at the entrance to Pearly Beach, as per the locality plan below.



The business node comprises of 15 erven and abuts Main Road, Law Street, Kortmark Street and Commercial Street. This node, saves for a shop, take away business, and three restaurants (i.e. Visgat, Whale Coast Brewery and the existing restaurant on the application property is undeveloped. Erven 1763 and 1781 forms the southern boundary of the node and is developed with residential dwellings. Apart from the dwelling Erf 1763 also accommodate an estate agent office. Erf 607 and 599, Pearly Beach to the southwest is zoned utility services. Erf 3036 on the northwestern edge of the business node is zoned General Residential Zone and developed with flats. The closest residential properties are situated northeast, south and southwest of this node.

The application property is developed with a business building in accordance with approved building plans with 10 on-site parking bays, also hosting a fully operational restaurant in a portion of the building. The proposed consent use (bottle store) relates to a 94m² portion within the existing to be repurposed as shown in orange on the SDP extract below. This area currently accommodates a shop.



SDP: Proposed Bottle Store shown in orange

The proposed changes comprise mainly internal alterations to the building. The parking requirements for the bottle store align to those of the existing restaurant and has already been established on the property. The application in addition includes the removal of restrictive title deed conditions that may limit the use of the property. The conditions proposed for removal as contained in Title Deed T36441/2005 are as follows:

“Condition C. 4(b) it shall be used for shop purposes only;

Condition D. 2: the registered owner or any occupant of the said land shall not permit or suffer to be erected or displayed thereon any hoardings or advertisements whatsoever except only a bona fide notice that the property is for sale, and any sale or dealing in intoxicating liquor in the said land is likewise prohibited.”

4. SUMMARY OF APPLICANT’S MOTIVATION

The applicant’s motivation (refer to Annexure B) is summarised as follows:

- Introduction of a bottle store in Pearly Beach aims to enhance the range of services available to residents and visitors, contributing to the towns local economy while maintaining the existing character of the area.
- A restaurant was constructed on the subject property in accordance with recently approved building plans. This development aligns with the property's Business Zone 3 designation and contributes to the gradual commercial growth of the area.
- Efficient use of space through the conversion of an existing building, minimising environmental impact and avoiding unnecessary construction.
- Surrounding business district, however, remains relatively underdeveloped, with few commercial establishments currently in operation.
- Currently there are no bottle stores in Pearly Beach, which presents a unique opportunity for the proposed bottle store to have a positive impact on the local business node.
- Proposed development will fill a gap in the market and will attract residents and visitors that would otherwise need to travel outside Pearly Beach for these services.
- Additional feet generated by the proposed bottle store will complement other businesses (i.e. restaurant on site) and stimulate commercial activity.
- Given the untapped potential of the business district the bottle store could serve as catalyst for further development enhancing the viability of the node.
- No extra parking concerns since the bottle store will utilize existing parking facilities, helping to maintain smooth traffic flow.
- No additional services required, as the bottle store will be integrated into the approved building being utilised as a restaurant.
- The floor area ratio of the building will remain unchanged, ensuring compliance with existing planning regulations.
- The bottle store will be carefully managed to avoid attracting undesirable elements, with measures implemented to minimize any potential negative effects on surrounding residential, business, and utility properties.
- Job creation / boost local economy.
- Conveniently located and easily accessible, enhancing the overall attractiveness of the shopping centre for residents and visitors.
- The proposed consent use and removal of restrictive title deed conditions will not negatively impact Erf 639, Pearly Beach or the land uses of surrounding properties, ensuring harmony within the community.
- Proposal aligns with the existing built character of the area being in a business node, maintaining aesthetic continuity and supporting the overall development goals of Pearly Beach.
- The property is already serviced.

- The proposal is consistent with the SDF.
- No impact on traffic / parking.
- No heritage impact.
- No impact on the biophysical environment

REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

- (a) 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

The restrictive title deed conditions currently applicable to Erf 639, Pearly Beach limit the property to "*shop purposes only*" and prohibit the sale of intoxicating liquor. These restrictions may have originally been intended to regulate the nature of businesses and maintain a particular character within the area. However, given the evolving needs of the community and the current underdeveloped business node, these conditions now inhibit the full economic potential of the property.

There is no significant financial or personal value associated with these restrictive conditions for any surrounding property owners or the community at large. In fact, the current restrictions limit the viability of the proposed bottle store, which would not only add to the commercial diversity of the area but also meet the local demand for such services, especially considering that Pearly Beach currently lacks a bottle store. The removal of these conditions would enhance the economic opportunities for the property owner and contribute to the growth and development of the broader business zone.

From a financial perspective, the restrictive conditions act as a constraint on the utilization of the property, potentially reducing its market value by restricting permissible uses. By allowing the establishment of a bottle store, the value of the property is likely to increase, benefiting both the owner and the local economy. Furthermore, the removal of these conditions will not negatively impact surrounding properties, as the proposed bottle store will be located within an existing building and carefully managed to avoid any undesirable effects.

Therefore, while the restrictive conditions may have had some historical value, they no longer serve the best interests of the property owner, the community, or the business development of Pearly Beach. Their removal is expected to positively impact the financial and commercial dynamics of the area without infringing on the rights or values of neighbouring properties.

- (b) Personal benefits which accrue to the holder of rights in terms of the restrictive condition

The restrictive conditions placed on Erf 639, Pearly Beach, which limit its use to "*shop purposes only*" and prohibit the sale of intoxicating liquor, offer little to no personal benefit to any individual or entity. These restrictions, which may have once aimed to preserve a specific land use character, are now outdated and serve as a hindrance to the optimal use of the property in the current context of Pearly Beach's development.

The restrictive conditions offer no substantial personal benefit to the property owner or surrounding property holders. Removing them will enable the property to reach its full potential while supporting local economic growth, without compromising the integrity of the surrounding environment.

- (c) Personal benefits which will accrue to the person seeking the removal of the restrictive condition

The property owner will benefit, by unlocking the full commercial potential of the property as current restrictions limit the use of the property to "*shop purposes only*" and prohibit the sale of alcoholic beverages and prevent the establishment of a bottle store. The owner will benefit as the proposal will enhance the profitability and market value of her property by introducing a sought-after commercial service, all within the existing business framework and infrastructure.

- (d) The social benefit of the restrictive condition remaining in place in its existing form

The restrictive conditions may have once been socially beneficial by maintaining a certain type of land use, their continued enforcement offers little advantage to the community in the present context and could actually restrict social and economic progress in Pearly Beach.

- (e) The social benefit of the removal or amendment of the restrictive conditions

Removing the restrictive conditions will provide a direct social benefit by enhancing local access to services, stimulating economic activity, and promoting sustainable development without negatively impacting the surrounding community.

- (f) Will the removal, suspension or amendment of the restrictive conditions completely remove all rights enjoyed by the beneficiary or only some of those rights

The proposed removal will not result in the removal of all rights as per the provisions of the title deed. While some specific rights will be modified through the removal of these restrictive conditions, beneficiaries will still retain broader protections under local planning laws, ensuring that development remains responsibly managed within the community.

PLANNING PRINCIPLES

- (a) Spatial justice

By facilitating access to essential services, the proposed development promotes spatial equity, ensuring that all members of the community benefit from the commercial growth of Pearly Beach. Overall, the bottle store is positioned to foster a sense of community, enhance local amenities, and contribute positively to the social fabric of the area.

(b) Spatial sustainability

Spatial sustainability refers to the responsible and equitable use of land and resources to meet present needs without compromising the ability of future generations to meet their own.

The proposal contributes to spatial sustainability as it optimises use of existing resources, promote a more diverse mixed-use development, support the local economy and preserving the environment.

(c) Efficiency

The proposed change of use demonstrates a commitment to efficiency by making the most of existing resources, optimizing land use, and enhancing local accessibility. This efficient approach benefits both the business and the community while promoting sustainable development practices.

(d) Spatial Resilience

Not applicable.

(e) Good Administration

The proposal will be subject to public participation allowing interested and affected parties to comment within the permissible timeframes.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local Newspaper	Yes	15 November 2024	20 December 2024
Gazette	Yes	15 November 2024	20 December 2024
Notices (<i>possibly affected property owners</i>)	Yes	12 November 2024	20 December 2024
Notices (<i>persons mentioned in title deed</i>)	Yes	12 November 2024	20 December 2024
Internal Departments	Yes	15 November 2024	20 December 2024
Ward councillor	Yes	15 November 2024	20 December 2024
Total comments	Ninety-four (94) letters of objections and One (1) late objection		
Total letters of support	Four (4) letters of support		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly?			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?			Yes

In case of application for removal, amendment or suspension of restrictive title conditions if notices in accordance with Section 35(3)(d) of the By-Law on Municipal Land Use Planning was served on all persons mentioned in the title deed for whose benefit the restriction applies?	Yes
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6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments
Building Control	15/11/2024	No objection.
Development Control	05/12/2024	Attached as Annexure G.
Waste Management	20/12/2024	No objection.
OpenServe (Telkom)	21/01/2025	Attached as Annexure H.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

The public participation included notices sent to the relevant affected neighbours via email, a site notice was displayed as well as an advertisement was placed in the Gansberg newspaper and the Provincial Gazette.

Four letters of support and 95 letters of objection (inclusive of one late objection) were received. The letters of support and objections are attached as per Annexure E and the applicant's response as Annexure F.

The objection, applicants' response to objection and the town planner's response is summarised below:

Mr S Thomson submitted an objection before the closing date for comment, which objection is regarded valid. Following the closing date of objections on 20 December 2024 Mr Thomson submitted a late objection amended / updated objection to replace the original objection that was submitted in time. The administrator indicated that the By-Law does not permit submission of late objections and that the amended / supplementary objection cannot be considered.

GENERAL COMMENT FROM APPLICANT

A total of 570 notices were distributed via email regarding the proposed consent use for a bottle store to be situated on Erf 639, Pearly Beach. Of these, 95 individuals constituting 16% of the recipients submitted responses. A total of 95 objections were received, including one late submission.

In accordance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning (2020), a valid objection must include the following:

- ❖ The name of the individual or organization submitting the objection;

- ❖ The address or contact details where the individual or organization will accept notices or service of documents;
- ❖ The interest of the individual or organization in the application; and
- ❖ The reasons for the objection, comment, or representation.

Of the 95 objections received, 23 objectors failed to disclose their addresses, and two objectors did not provide any reasons for their objections.

Furthermore, the objections lacked the following essential elements:

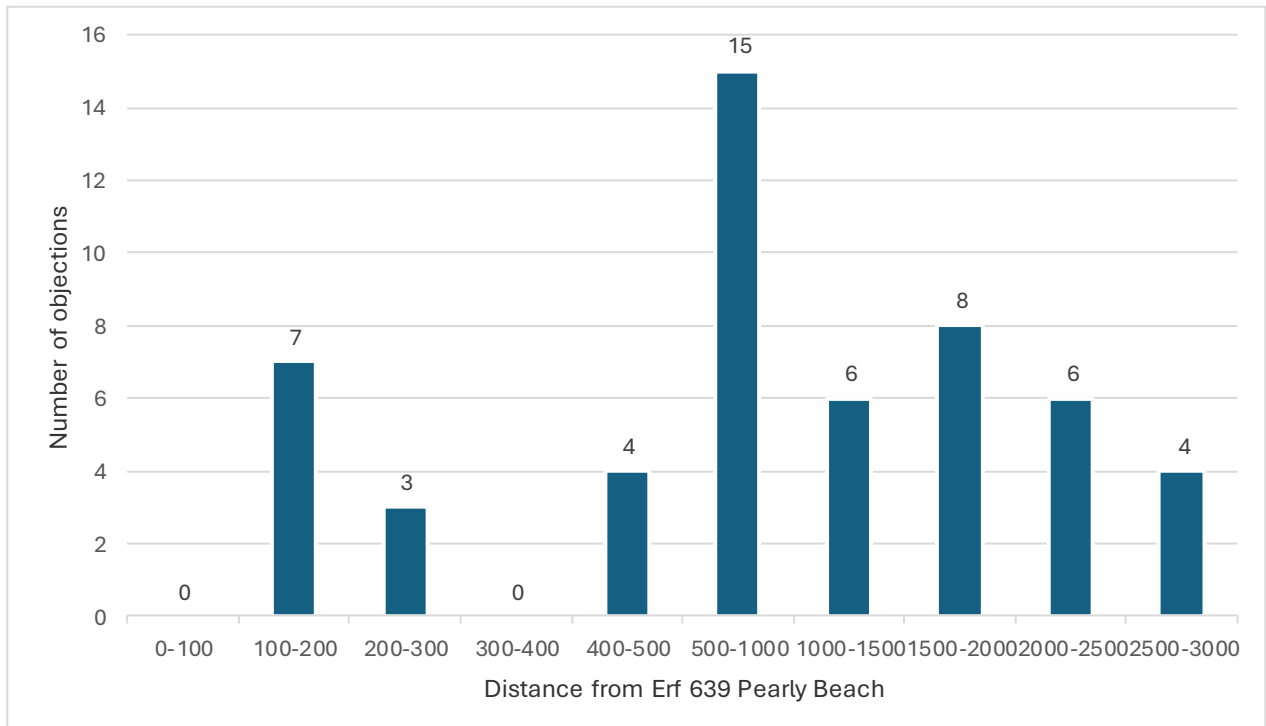
- A clear indication of the facts and circumstances supporting the objection, comment, or representation;
- A demonstration of the undesirable impact the proposed application would have on the area; and
- An explanation of how the application is inconsistent with relevant policies.

The locations of the objections were mapped where the address details were disclosed to assess their proximity to the proposed bottle store. A copy of the map is enclosed as per Annexure F.

Based on this mapped information, we have drawn the following conclusions:

- No immediate adjoining landowners objected to the proposed bottle store.
- Within 100 meters of the proposed bottle store, no objections were received.
- Within 100–500 meters, 14 objections were received.
- Within a 3km radius of Erf 639, Pearly Beach, 53 individuals who disclosed their addresses submitted comments or objections.
- The majority of objections (39) were received from individuals located 500 meters or more from the subject erf.

Please refer to the enclosed graph for a visual representation of the number of comments and objections received in relation to the distance from Erf 639, Pearly Beach.



It can be argued that approximately 84% of the property owners who received notices regarding the proposed bottle store either support the application or chose not to object. A total of 570 notices were distributed to property owners in Pearly Beach, and the application was also advertised in the local newspaper.

Pearly Beach comprises of approximately 1762 erven. Considering this total, only 5,4% of the property owners formally objected to the application. This indicates that the majority of permanent residents support the proposed consent use and the removal of restrictive title deed conditions to establish a bottle store on Erf 639, Pearly Beach.

It is essential to recognize that Erf 639, Pearly Beach, is an established business site zoned Business Zone 3, with a total extent of 555m². Under its current zoning, the primary land use rights include shops, dwelling units above ground level, flats, offices, restaurants, caretaker's accommodation, and self-catering establishments. The development of any of these permitted land uses only requires the submission of a building plan, provided that the proposed development adheres to the applicable land use restrictions.

The definition of a shop, as per the zoning regulations, is as follows:

"Shop" means a property or part of a property used for the retail sale of goods, items, and services to the public, including a retail concern where goods sold are manufactured and repaired, provided that the floor space used for such manufacturing or repair does not exceed 50% of the total shop floor space. It excludes an industry, service trade, motor repair garage, service station, adult entertainment business, or the sale of alcoholic beverages. If such excluded uses are introduced on the property, they are considered separate uses subject to distinct development parameters as determined by the Municipality.

While the primary function of a shop is the retail sale of goods, the definition specifically excludes the sale of alcoholic beverages. As a result, the establishment of a bottle store requires a consent use application, even though the core nature of the business remains retail.

It is important to emphasize that the underlying zoning remains unchanged, and the primary function of the property will still be retail. The bottle store will occupy only a small portion ($\pm 94\text{m}^2$) of the existing building for the retail sale of alcoholic beverages. The physical structure of the building will not be expanded, meaning there will be no additional demand for parking or other municipal infrastructure.

Concerns have been raised regarding the potential impact of a bottle store on the surrounding area. However, experience from similar establishments has shown that effective retail management can significantly mitigate potential negative effects.

To ensure a controlled and responsible retail environment, the proposed bottle store will not sell low budget wines or "quarts" (750ml beer bottles and crates of 750ml beer bottles). This policy has been successfully implemented at other bottle stores and has demonstrated a notable reduction in vagrancy and other undesirable activities in the vicinity. By limiting the type of alcohol sold, the establishment will attract a more responsible clientele and prevent the bottle store from becoming a gathering point for vagrants or disruptive individuals.

In summary, the establishment of a bottle store on Erf 639, Pearly Beach, is in line with the current zoning, subject to a consent use application. The proposal does not require any physical expansion of the property and will not result in additional parking or infrastructure burdens. Furthermore, measures will be implemented to maintain a controlled retail environment, ensuring that the store operates responsibly and does not negatively impact the surrounding community.

The main grounds of objection are summarised below, followed by the response from applicant and the town planners.

Point of objection

Public participation

RESPONSE FROM APPLICANT

The application was duly advertised, and notices were distributed to all affected parties in accordance with the By-Law on Municipal Land Use Planning, 2020. Furthermore, the content of the notices complied with the requirements set out in Section 49 of the said By-Law.

RESPONSE FROM TOWN PLANNER

The applicant's comment is agreed with. In addition to advertisement in the local media notices were served on all property owners within the specific extension of Pearly Beach. In accordance with the provision of the By-Law the notice in the media as well as via email clearly indicated that the full application is available for inspection. The onus still remains on the objector, if struggling to obtain full access to request same from the planning office.

Point of objection

- + Procedural errors pertaining to issue of existing liquor license**
- + Abuse of liquor license by tenants / property owners**
- + Proposed removal of restrictive title conditions lacks desirability and is not in line with the intent of the township establishment conditions**

RESPONSE FROM APPLICANT

Liquor licenses have been granted to property owners or third parties based on zoning certificates issued by the Overstrand Municipality. If a zoning certificate confirms that a property is zoned for business purposes and permits the operation of a restaurant, a liquor license would typically be approved. However, zoning certificates do not reference any restrictive title deed conditions that may exist. Historically, the Overstrand Municipality and the Liquor Board have operated independently, leading to instances where liquor licenses were issued in contradiction to applicable title deed restrictions.

With regard to our application, we are seeking the removal of restrictive title deed conditions from Erf 639, Pearly Beach, to allow for the operation of a bottle store. Under the former Section 8 Land Use Scheme Regulations, the definition of a 'shop' included restaurants, making the establishment of a restaurant on Erf 639 a primary right. As such, the use of the property as a restaurant did not contradict the title deed restrictions, which only permitted shop related activities. However, a bottle store is classified as a consent use and is not included within the definition of a 'shop.' Furthermore, the sale of alcoholic beverages is explicitly prohibited under the current title deed conditions. Therefore, we are applying for the removal of these restrictions to facilitate the lawful operation of a bottle store on the premises.

RESPONSE FROM TOWN PLANNER

The applicant's comment is agreed with. It however does not address all aspects pertaining to the objection in this regard.

Allegations were made regarding the issue of the liquor license in error, secondly that the applicant / former tenants abused the liquor license, removal of the restrictive title deed conditions is not supported as it lack desirability and not in line with the intent of the township establishment conditions.

Existing or past liquor licenses and use of the property is not a relevant consideration pertaining to the current application for the proposed bottle store and removal of restrictive title deed conditions.

Secondly, the municipality is not the competent authority for the approval and enforcement of liquor licenses. The authority vests with the Western Cape Liquor Authority in conjunction with the role of the local SAPS liquor officer.

Thirdly, at the time the only requirement for an applicant in application for a liquor license was a zoning certificate issued by the local authority. There is a note on the zoning certificate that the onus remains on the property owner to ensure compliance with the title deed restrictions.

The applicable legislation at the time, was the now repealed Land Use Planning Ordinance 15 of 1985 and Removal of Restrictions Act 84 of 1967 (RORA). The decision making in terms of RORA vested with the Provincial Government Western Cape and not the municipality. It was only following the promulgation of SPLUMA and the Municipal Planning By-Law in 2015 that municipal planning matters in line with the constitutions were delegated to municipal decision-making structures (i.e. the MPT or AO), including applications for removal of restrictive title conditions.

Regardless of whether the liquor license was issued in error or not, in terms of case law the decision maker is functus officio, the decision cannot be revisited. This includes the approved building plan, liquor license, planning decisions etc. Therefore, only a court of law can override the decision.

The Overstrand Municipal Land Use Planning Amendment By-Law, 2020 in line with the Spatial Planning and Land Use Management Act (SPLUMA) provides for an application mechanism for the removal of restrictive title deed conditions in compliance with Section 47(2) of SPLUMA, hence the application for removal of restrictive title deed conditions and consent use in terms of the By-Law.

The applicant followed the correct procedure in that the application is in line with the conveyancing certificate entail consent use for bottle store and removal of the restrictive title deed conditions that prohibit the sale of liquor which application was processed and advertised in line with the legal requirements as alluded to above.

Apart from the planning application, the applicant will have to obtain a liquor license from the Western Cape Liquor Board. Should the liquor license not be granted that applicant will not be able to operate a bottle store from the premises.

Point of objection

- ✚ There are existing restaurants / pubs in Pearly Beach with liquor licenses to cater for the need of residents / visitors**
- ✚ Bottle store will negatively impact existing businesses in the area**

RESPONSE FROM APPLICANT

The objections received do not specify which businesses currently sell liquor for offsite consumption. However, it is assumed that the businesses in question are the shop at the Pearly Beach Resort and the local brewery. The resort shop is limited to selling only wine, while the brewery offers both wine and its own craft beer. In contrast, the proposed bottle store will provide a significantly broader selection of alcoholic beverages, including whisky, brandy, rum, vodka, gin, and various liqueurs, catering to a wider range of consumer preferences.

The introduction of a bottle store will not negatively impact these existing businesses, as their offerings are specialized and serve a different market segment. The resort shop primarily caters to holidaymakers staying within the resort, providing convenience for guests who prefer not to leave the premises for their purchases. Similarly, the brewery focuses on its own craft beer production, attracting customers interested in locally brewed beverages rather than the diverse selection available at a dedicated liquor store.

Additionally, the bottle store will help retain consumer spending within Pearly Beach, reducing the need for residents and visitors to travel to neighbouring towns to purchase a wider variety of liquor. By offering an expanded range of products, the store will complement rather than compete with existing businesses, enhancing the overall retail diversity in Pearly Beach while ensuring that different consumer needs are met.

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RESPONSE FROM TOWN PLANNER

The applicants comment above is agreed with. Although not indicated by the objectors, currently the only licensed premises in Pearly Beach are:

- Whalecoast Brewery, 9 Commercial Street, on and off-site consumption
- Visgat, 12 and 14 Kortmark Street, on site consumption
- Pearly Beach Hengelklub, Main Road, Pearly Beach, on-site consumption
- Pearly Beach Resort Shop, off site consumption

It must be pointed out the Visgat, Whale Coast Brewery and Pearly Beach Hengelklub are considered restaurant establishments in accordance with the scheme regulations and not a bar / pub.

The off-site liquor license for Whale Coast Brewery is to permit the sale of craft beer, of the brewery in addition to the restaurant, but is not considered a bottle store as defined in the land use scheme.

The Pearly Beach resort shop is not a bottle store as it only sells wine under a "grocers license".

Point of objection

- ✚ **Gansbaai has more than enough bottle stores to cater for the needs of residents and tourists visiting Pearly Beach**

RESPONSE FROM APPLICANT

Some residents have the means to purchase groceries and liquor elsewhere, either on their way to and from work or by commuting to Gansbaai or Hermanus for shopping. Financially stable individuals may not be directly affected by the availability

of a local bottle store. However, it is important to note that only 16% of the notified residents responded to the notices, despite the fact that the application was also advertised in the local newspaper.

The majority of Pearly Beach residents did not submit objections, which could reasonably be interpreted as tacit consent to the establishment of a bottle store on Erf 639, Pearly Beach. Additionally, not all residents have the financial means to travel to neighbouring towns for liquor purchases, especially given the high cost of fuel.

Pearly Beach has experienced significant growth in recent years, evolving beyond a small holiday village into a town that now justifies a broader range of retail offerings. The establishment of a bottle store would contribute to this diversification, catering to the needs of a growing and more permanent local population.

RESPONSE FROM TOWN PLANNER

Applicants comment is noted and agreed with.

Point of objection

- + Desirability of proposed liquor store as there is enough establishments that sells liquor**
- + Traffic and safety concerns**
- + History of alcohol related incidents in Pearly Beach**

RESPONSE FROM APPLICANT

The application proposes the establishment of a bottle store within an existing building that currently houses a restaurant, with the bottle store occupying approximately 94m². Introducing a bottle store in Pearly Beach diversifies the local retail sector, ensuring that money is spent within the community rather than in neighbouring towns. This benefits the general population by keeping business local and reducing the financial burden of travel, allowing residents to save on transportation costs. Additionally, since liquor would be available in town, there would be less need for residents to commute elsewhere, thereby also increasing support for other local businesses.

When evaluating any land use application, consideration must be given to the desirability of the proposed development in relation to the principles outlined in integrated development frameworks, sectoral plans, structure plans, zoning scheme regulations, and municipal bylaws. These considerations assess the impact on existing rights but do not include any alleged right to protection from business competition.

While several restaurants in Pearly Beach hold liquor licenses, these licenses only allow for the onsite consumption of alcohol. As a result, patrons are not permitted to take liquor home. Objectors who oppose the establishment of a bottle store are, in effect, encouraging alcohol consumption at restaurants and bars, which could present a greater risk to road safety, as patrons would be required to drive or walk home after consuming alcohol. In contrast, a bottle store would provide residents with the option to purchase alcohol for responsible consumption at home, thereby potentially reducing the risks associated with drinking and driving.

RESPONSE FROM TOWN PLANNER

The applicants' comment is noted and agreed with. Also, having had regard to the application, there is a big difference between a liquor store for consumption off-site, i.e. home as liquor consumption in public is not permitted, and a restaurant where on-site consumption occurs. The latter could potentially have a far greater impact upon the surrounding area as clients mostly likely will be under the influence after consuming a single unit of alcohol and more likely noisy / disruptive behaviour opposed to a bottle store relating to off-site consumption, i.e. where liquor is consumed in the privacy of a private property.

Point of objection

✚ **Negative impact on the area, being an area of natural beauty**

RESPONSE FROM APPLICANT

While Pearly Beach is undeniably located in an area of natural beauty, it is important to recognize that it is also an established and developed township, comprising residential erven, public roads, public open spaces, and existing business erven. Erf 639, Pearly Beach is an established business erf, which has been utilized for commercial purposes.

Our application does not propose the expansion of urban development into a natural area. Rather, it seeks to repurpose a portion of an existing building located on Erf 639 for the establishment of a liquor store. In essence, this is a change of use of approximately 94m² of an existing business building, converting it from a restaurant to a bottle store.

Therefore, this application will not negatively affect the character of Pearly Beach, as suggested. The primary land use of the site will remain as a commercial business, with the only change being the specific type of retail offering. The surrounding community and environment will not be significantly impacted, and the established character of Pearly Beach will be preserved.

RESPONSE FROM TOWN PLANNER

The applicants' comment is noted and agreed with. As further discussed, the proposal entails re-purposing of a portion of an existing building, i.e. resulting in the more efficient use of existing buildings, facilities and infrastructure resources which is a sustainable practice. Also, the property is situated within a designated business node, where such facilities are usually located.

The remainder of the building will still be used for restaurant or other future commercial use in accordance with the zoning of the property. Thus, when the application is evaluated, it cannot be evaluated as a stand-alone bottle store but should be considered as part of a business premises. Also, the opinion is held that with appropriate conditions the impact could be mitigated, if any and will be further discussed in the evaluation below.

Point of objection

- ✚ **Liquor store will have a negative Impact on the character of the area**

RESPONSE FROM APPLICANT

As mentioned previously, the application involves the change of use of a portion of an existing building to establish a bottle store. The building, currently utilized as a restaurant, is situated on a 555m² business site within an established commercial area. As such, the property owner has the right to utilize the land in accordance with the current primary land use rights within the existing land use restrictions.

Therefore, the proposed bottle store will not have any adverse impact in terms of business operations or the atmosphere of Pearly Beach. Pearly Beach is an expanding coastal town, and as it grows, vacant business erven will inevitably be developed to meet the needs of the local population. Similarly, existing businesses may expand and diversify to accommodate the evolving demands of residents and visitors. This development is consistent with the natural progression of a growing town and will contribute to the town's overall vibrancy without disrupting its character.

As stated previously, the proposed liquor shop will not adversely affect the atmosphere of Pearly Beach. A relevant example is the bottle store established in Pringle Bay, where the character of the village remained intact after the store was integrated into the local business centre. While it is impossible to completely eliminate social issues such as substance abuse, these problems affect only a small minority of the population. It is essential to prioritize the majority of residents and cater to their needs, ensuring that their interests are met.

As highlighted earlier, the proposed bottle store will not sell low budget wines or "quarts" (750ml beer bottles and crates of 750ml beer bottles). This policy is intended to ensure that the store remains responsible and serves the broader community's needs without attracting undesirable elements.

The advantages that this development will bring to Pearly Beach are clear and can be summarized as follows:

- Business will remain in Pearly Beach, preventing residents from needing to commute to neighbouring towns to support businesses there.
- By reducing the need for travel, residents will likely also choose to support local shops and delis, fostering a more robust local economy.
- Residents will save money on travel costs, as they will be able to purchase their liquor locally.
- The increased spending within Pearly Beach will create more job opportunities, contributing to the economic vitality of the town.

In summary, the establishment of the bottle store will support the broader community's interests, enhance local commerce and provide economic benefits for Pearly Beach residents.

The proposal to change the land use of a portion of an existing business premises to accommodate a liquor shop will not alter the "village feel" of Pearly Beach. As previously mentioned, Pearly Beach is an evolving town with a growing population.

As the town expands, it is natural that businesses will expand and diversify in order to meet the changing needs of the community. The introduction of a liquor store will be a part of this organic development, offering a new service that aligns with the town's growth while maintaining its local character.

The village atmosphere is shaped by a combination of community spirit, landscape, and local businesses. Introducing a liquor store within an existing business area, rather than creating a new, separate establishment, ensures that the development is integrated into the existing fabric of the town, without significantly altering its charm or appeal. In fact, providing local access to a range of services, including the sale of liquor, supports the town's development while ensuring that residents do not have to leave Pearly Beach to meet their needs. This approach enhances the local economy and contributes to the sustainability of the community without disrupting the smalltown atmosphere that is integral to Pearly Beach's identity.

As the town grows and changes, maintaining a balance between development and preserving local character will allow Pearly Beach to thrive as a vibrant, welcoming place for both residents and visitors. The proposed liquor shop represents a small but important part of this ongoing evolution

RESPONSE FROM TOWN PLANNER

Applicant's comment is noted and agreed with. The proposed bottle store is part of an existing building. Thus, from the landlord's perspective it will be important to manage the behaviour of clients, so that it does not impact negatively on the remainder of the business, i.e. the existing restaurant on the premises. Furthermore, the offering will be restricted in terms of approval conditions should the application be supported, i.e. a prohibition on the sale of low budget wines or quarts (750ml beer bottles / crates, *rooi proppie*), including the distribution of alcohol.

Point of objection

- ✚ Adverse impact of a bottle store upon the safety and wellbeing of the community**

RESPONSE FROM APPLICANT

Many of the objections received advocate for the consumption of alcohol at local restaurants and pubs, which, while legal, could present a greater safety risk than the proposed bottle store. As previously mentioned, patrons at these establishments are often required to drive or walk home, which increases the likelihood of intoxicated road users a significant concern for both the individuals involved and other road users. In contrast, the establishment of a bottle store would offer residents the option to purchase alcohol and consume it responsibly at home, reducing the need for traveling while intoxicated and therefore lowering the risk of road accidents and fatalities. This model has been proven to reduce incidents of drinking and driving, as individuals can make more responsible choices in the comfort of their homes, without needing to navigate public roads after consuming alcohol.

Furthermore, the proximity of the police station in Gansbaai (on Main Road, an extension of the R43), which is the nearest law enforcement station to Pearly Beach, further supports the viability of the proposed bottle store. The police station's location makes it easily accessible for local law enforcement officers, who frequently patrol

Pearly Beach and the surrounding areas. With the R43 being the main route connecting to the two areas, law enforcement can easily monitor traffic and enforce safety regulations, including those relevant to alcohol related incidents. The fact that Gansbaai police regularly patrol Pearly Beach ensures that any potential issues related to the liquor store, should they arise, can be addressed promptly and effectively.

Additionally, aside from a few stop signs in Gansbaai, the remainder of the R43 lacks significant traffic control measures, which means that the road is relatively free flowing but also potentially hazardous for residents and travellers alike. Despite this, the proximity of law enforcement to the site of the proposed bottle store means that local authorities are well positioned to monitor and respond to any safety concerns. In essence, the proposed bottle store would not only benefit the local economy by providing a convenient option for residents to purchase alcohol but also align with public safety priorities by reducing the risk of intoxicated driving and ensuring that the area remains well patrolled and safeguarded by local law enforcement.

In conclusion, the introduction of the bottle store would not just be a convenience for the residents of Pearly Beach, but it could also have a positive impact on public safety, allowing for more responsible alcohol consumption and reducing the risks associated with driving while under the influence.

RESPONSE FROM TOWN PLANNER

Scrutiny of the objections reveals unsubstantiated objections based on public safety, lack of law enforcement capacity and the adverse impact that the proposed bottle store will have on the character of the area, safety and wellbeing of the community. The applicants' comment is therefore supported, in that the existing restaurant establishments are more likely to give rise to alleged impacts, opposed to a bottle store that does not permit on-site consumption.

Point of objection

✚ **Negative impact on the area due to littering**

RESPONSE FROM APPLICANT

Pearly Beach, being a popular holiday destination, experiences a significant influx of visitors during school holidays and long weekends. While these visitors enjoy the town's natural beauty, it is important to note that not all of them share the same level of commitment to preserving the environment. As a result, incidents of littering and noise pollution do occur during these peak times. However, it is crucial to recognize that these issues cannot be directly attributed to the proposed bottle store, nor can they be blamed on bottle stores in neighbouring towns. The causes of these disturbances are much more complex and can be attributed to various factors, including the behaviour of certain visitors, rather than the mere existence of a liquor store.

It is our opinion that the primary sources of litter in Pearly Beach are likely from general dealers and cafés, where items like cold drink cans, bottles, food wrappers, takeaway boxes, and other food packaging are common. Unlike alcohol, these products are often consumed in large quantities and are more likely to contribute to littering in public spaces. In contrast, law-abiding citizens generally do not consume

alcoholic beverages in public areas such as beaches, as this is prohibited by law. Therefore, the presence of a liquor store will not contribute significantly to littering in comparison to other types of retail outlets.

Furthermore, when comparing the waste output of a liquor store to that of a general dealer or shop, it becomes clear that liquor stores tend to produce far less waste. This is because liquor stores do not prepare food onsite, nor do they sell perishable items that would require significant packaging. In fact, many liquor stores encourage environmentally friendly practices by reusing the boxes in which liquor is delivered, instead of relying on plastic bags for packaging. This not only helps reduce plastic waste but also emphasizes the store's commitment to sustainability and minimizing its environmental impact.

In conclusion, while littering and noise pollution are legitimate concerns in Pearly Beach, it is essential to recognize that these issues stem from various sources, and the proposed bottle store is unlikely to be a significant contributor to the problem. In fact, the operational practices of liquor stores are generally less wasteful than those of other retail establishments, further mitigating concerns about environmental impact.

RESPONSE FROM TOWN PLANNER

Applicants comment is noted and agreed with.

Point of objection

- ✚ Existing restaurants in area sufficiently cater for clients that want to consume alcohol

RESPONSE FROM APPLICANT

Not everyone has the financial means to enjoy drinks at a restaurant, where alcoholic beverages are often sold at higher prices. Additionally, with current traffic laws in place, it is increasingly difficult to have even a single drink and remain under the legal alcohol limit. This has led many people to prefer purchasing alcoholic beverages from retail outlets, such as a bottle store, and consuming them in the comfort of their own home.

Encouraging individuals to consume alcohol in restaurants, where the consumption of alcohol onsite is typically the norm, could inadvertently promote greater risks. If people drink at restaurants, they are more likely to drive under the influence, which puts not only themselves but also other road users in danger. On the other hand, by offering a convenient option for purchasing alcohol to be enjoyed at home, we can reduce the likelihood of drunk driving. This option supports the idea that people can still enjoy alcohol responsibly in a private and controlled environment, without the added risk of impaired driving.

Therefore, it is essential to consider the safety and wellbeing of the community when discussing where and how alcohol is consumed. The option of a local bottle store provides an opportunity for residents to make responsible choices about their alcohol consumption, while also minimizing the dangers associated with drinking at public establishments and potentially driving afterwards.

RESPONSE FROM TOWN PLANNER

The applicant's comment is noted and agreed with.

Point of objection

- ✚ Objection based on noise and disturbance relating to former use of the premises for entertainment purposes

RESPONSE FROM APPLICANT

Regarding our application, the portion of the building not designated for the bottle store will continue to operate as a bona fide restaurant, fully compliant with the Overstrand Municipality Land Use Scheme Regulations, 2020, and the conditions of the associated liquor license.

Additionally, any previous use of the premises for entertainment purposes has ceased following notification from the Overstrand Municipality regarding noncompliance. The restaurant owner has since taken the necessary steps to ensure adherence to all applicable regulations, reinforcing the commitment to lawful and responsible business operations.

The restaurant has been managed in strict accordance with the liquor license issued and does not sell liquor to intoxicated persons. Any intoxicated individuals are escorted off the premises to maintain a safe and controlled environment. Video footage of such occurrences is available for review onsite as evidence of responsible management practices.

Furthermore, the restaurant cannot be held responsible for any issues occurring off the premises. The establishment is well managed, and once patrons leave, their actions fall outside the control and responsibility of the business. The onus is on individuals to act responsibly, and law enforcement authorities remain responsible for addressing any public disturbances or misconduct that may occur beyond the premises.

RESPONSE FROM TOWN PLANNER

The applicants' comment is noted and agreed with. Further, each application is to be considered on merit, based on the information at hand. Thus, former uses for place of entertainment that ceased even though unauthorised is not a relevant consideration in the adjudication of the application before the MPT.

Point of objection

- ✚ Erf 607 opposite the application property is private land earmarked for group housing

RESPONSE FROM APPLICANT

No response submitted

RESPONSE FROM TOWN PLANNER

The land is currently zoned for utility purpose as the applicant did not act upon the historic rezoning approval. Thus, the residential rights lapsed. In terms of the current forward planning the property forms part of the business node and is earmarked for densification comprising commercial mixed-use development, i.e. a combination of business and residential.

SUMMARY BY APPLICANT

The following points outline the justification for supporting the proposed bottle store:

- The establishment of a bottle store will keep business within Pearly Beach instead of residents commuting to neighbouring towns (Gansbaai, Stanford, and Hermanus) to purchase liquor.
- Increased local spending will support existing businesses and encourage future commercial development.
- Job opportunities will be created, benefiting the local community.
- Many residents cannot afford to travel long distances to purchase liquor due to high fuel costs.
- The bottle store will provide a local and convenient option, reducing unnecessary travel and vehicle congestion on regional roads.
- The proposed liquor store will be housed within an existing business building in an established commercial area, maximizing the use of current infrastructure.
- The development aligns with the natural commercial growth of Pearly Beach, which has evolved beyond a small holiday village, and will complement other businesses in the area, enhancing the diversity of retail offerings.
- The proposed change of land use will not alter the “village feel” of Pearly Beach. A comparable example in Pringle Bay demonstrates that a bottle store does not negatively impact the character of a town.
- The application was properly advertised, and notices were sent to all affected parties in compliance with the By-Law on Municipal Land Use Planning, 2020. Only 16% of the residents responded, indicating that the majority either consent to or have no objection to the establishment of the bottle store.
- The store will not sell low budget wines or bulk beer products (e.g., “quarts” and crates of 750ml beer bottles), reducing the potential for alcohol related social issues.
- The presence of a bottle store will discourage residents from driving under the influence by allowing them to purchase liquor locally rather than consuming alcohol at restaurants and pubs before traveling home.
- Any concerns regarding public intoxication or loitering should be addressed by law enforcement, rather than restricting legal business operations.
- Liquor stores generate less waste compared to general dealers and cafes, as they do not produce food waste. Liquor store packaging primarily consists of reusable cardboard boxes rather than plastic bags.
- Littering concerns are not directly linked to liquor stores, as most public litter consists of food wrappers, beverage cans, and fast-food packaging.
- The property is already zoned for business purposes, and the proposed use is compatible with the zoning.
- Title deed restrictions were initially relevant under outdated regulations and should be removed to align with modern zoning frameworks.

- The liquor store will be well managed within the designated business node, maintaining compliance with relevant planning and land use policies.
- The proposed bottle store will offer a wider range of alcoholic beverages, including whisky, brandy, rum, and liqueurs, which are not available at the Pearly Beach Resort Shop or the local brewery. This diversification will meet the demand for a broader selection of liquor.
- The Pearly Beach Resort Shop and the local brewery offer limited options (wine and beer), while the bottle store will provide a different market segment with more choices, benefiting both residents and visitors. The bottle store will be managed by the same owner as the resort shop, ensuring responsible management practices.
- Keeping business within Pearly Beach helps retain revenue in the town, preventing residents from needing to travel to nearby towns. This will encourage local spending, economic growth, and job creation.
- A local bottle store will reduce unnecessary travel for residents who currently go to other towns to purchase liquor, minimizing the risk of road accidents and allowing people to consume alcohol responsibly at home.
- The restaurant operating alongside the bottle store is compliant with liquor licensing regulations and does not sell alcohol to intoxicated individuals. Those individuals are escorted off the premises, and video footage can confirm this. The same responsible management practices will apply to the proposed bottle store.
- The restaurant and bottle store cannot be held responsible for incidents occurring outside their premises, such as loitering or public intoxication. These issues fall under law enforcement jurisdiction.
- Outdated title deed restrictions should be reconsidered, as the Overstrand municipality's current Land Use Scheme Regulations provide a more effective framework for managing land uses. This ensures the bottle store will fit into the business node without disrupting the community.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

Refer to paragraph 7 above.

9. MUNICIPAL ASSESSMENT OF COMMENTS (Town Planner's comment on objections/and response thereon)

Refer to paragraph 7 above.

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

10.1 Background

N/A

10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application is in line with the planning objectives applicable to this application:

Spatial Justice

The application property comprises an existing erf within an existing designated business node. The application entails a proposed consent use, which is catered for under the existing zoning via an application process.

By facilitating access to essential services, the proposed development promotes spatial equity, ensuring that all members of the community benefit from the commercial growth of Pearly Beach. Overall, the bottle store is positioned to foster a sense of community, enhance local amenities, and contribute positively to the social fabric of the area

Spatial sustainability

The proposal contributes to spatial sustainability as it optimises use of existing resources, promote a more diverse mixed-use development, support the local economy and preserving the environment.

Efficiency

The proposed change of use demonstrates a commitment to efficiency by making the most of existing resources, optimizing land use, and enhancing local accessibility. This efficient approach benefits both the business and the community while promoting sustainable development practices.

Spatial Resilience

The proposal is consistent with the applicable strategic policy documents, which adheres to the principle of spatial resilience.

Good administration

The application followed the required planning procedures to ensure that land use activity is in line with municipal By-Laws and the public process has been followed.

10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

Same as Point 10.2 above.

10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies

The proposed development is consistent with the SDF and OMGMS that earmarks the area for commercial development / mixed use development, being a commercial property within an established business node.

10.5 (In)consistency with guidelines prepared by the Provincial Minister

N/A

10.6 Impact on municipal engineering services

The existing services are available and will not be impacted by the proposal and is supported by the Municipal Engineering Services Department.

10.7 Outcomes of investigations/applications i.t.o other legislation

The proposed development does not trigger the provisions of NEMA or Section 38 of the National Heritage Resources Act.

10.8 Existing and proposed zoning comparisons and considerations

The proposal aligns with the Overstrand Land Use Scheme that permits a bottle store as a consent use via an application process.

10.9 ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

A conveyancing certificate was submitted within the application, indicating the following conditions in Title Deed T36441/2005 proposed for removal namely:

“Condition C. 4(b) it shall be used for shop purposes only;

Condition D. 2: the registered owner or any occupant of the said land shall not permit or suffer to be erected or displayed thereon any hoardings or advertisements whatsoever except only a bona fide notice that the property is for sale, and any sale or dealing in intoxicating liquor in the said land is likewise prohibited.”

The need for the restriction arises from the shop purposes only restriction as a bottle being excluded therefrom does not fall within the definition of a shop, whilst shop purposes only as per the deed excludes a bottle store.

The title deed of the property is further subject to the prohibition on the sale of intoxicating liquor.

In terms of Section 39 (5) of LUPA the application for removal is motivated as follows:

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

The restrictive title deed conditions currently applicable to Erf 639, Pearly Beach limit the property to "*shop purposes only*" and prohibit the sale of intoxicating liquor. These restrictions may have originally been intended to regulate the nature of businesses and maintain a particular character within the area. However, given the evolving needs of the community and the current underdeveloped business node, these conditions now inhibit the full economic potential of the property.

There is no significant financial or personal value associated with these restrictive conditions for any surrounding property owners or the community at large. In fact, the current restrictions limit the viability of the proposed bottle store, which would not only add to the commercial diversity of the area but also meet the local demand for such services, especially considering that Pearly Beach currently lacks a bottle store. The removal of these conditions would

enhance the economic opportunities for the property owner and contribute to the growth and development of the broader business zone.

From a financial perspective, the restrictive conditions act as a constraint on the utilization of the property, potentially reducing its market value by restricting permissible uses. By allowing the establishment of a bottle store, the value of the property is likely to increase, benefiting both the owner and the local economy. Furthermore, the removal of these conditions will not negatively impact surrounding properties, as the proposed bottle store will be located within an existing building and carefully managed to avoid any undesirable effects.

Therefore, while the restrictive conditions may have had some historical value, they no longer serve the best interests of the property owner, the community, or the business development of Pearly Beach. Their removal is expected to positively impact the financial and commercial dynamics of the area without infringing on the rights or values of neighbouring properties.

Personal benefits which accrue to the holder of rights in terms of the restrictive condition

The restrictive conditions placed on Erf 639, Pearly Beach, which limit its use to "*shop purposes only*" and prohibit the sale of intoxicating liquor, offer little to no personal benefit to any individual or entity. These restrictions, which may have once aimed to preserve a specific land use character, are now outdated and serve as a hindrance to the optimal use of the property in the current context of Pearly Beach's development.

The restrictive conditions offer no substantial personal benefit to the property owner or surrounding property holders. Removing them will enable the property to reach its full potential while supporting local economic growth, without compromising the integrity of the surrounding environment.

Personal benefits which will accrue to the person seeking the removal of the restrictive condition

The property owner will benefit, by unlocking the full commercial potential of the property as current restrictions limit the use of the property to "*shop purposes only*" and prohibit the sale of alcoholic beverages and prevent the establishment of a bottle store. The owner will benefit as the proposal will enhance the profitability and market value of her property by introducing a sought-after commercial service, all within the existing business framework and infrastructure.

The social benefit of the restrictive condition remaining in place in its existing form

The restrictive conditions may have once been socially beneficial by maintaining a certain type of land use, their continued enforcement offers little advantage to the community in the present context and could actually restrict social and economic progress in Pearly Beach.

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

Removing the restrictive conditions will provide a direct social benefit by enhancing local access to services, stimulating economic activity, and promoting sustainable development without negatively impacting the surrounding community.

Will the removal, suspension or amendment of the restrictive conditions completely remove all rights enjoyed by the beneficiary or only some of those rights

The proposed removal will not result in the removal of all rights as per the provisions of the title deed. While some specific rights will be modified through the removal of these restrictive conditions, beneficiaries will still retain broader protections under local planning laws, ensuring that development remains responsibly managed within the community.

11. THE DESIRABILITY OF THE PROPOSAL

The application property is developed in accordance with approved building plans for a commercial building and utilised in line with the provisions of the zoning as a shop and restaurant. Former uses included in addition to a restaurant, was office use as well as place of entertainment (live entertainment) by a former tenant without the necessary permission.

The objections had been discussed extensively above, and the discussion will focus on the desirability of the proposal.

When considering the application, the following should be borne in mind:

- The development will be accommodated within the existing building.
- There is no increase in the Gross Leasable Area (GLA).
- There is no change in parking requirements between former and proposed land.
- Additional parking is not required as the GLA remains the same.
- The application is to be considered on merit based, thus former unauthorised uses (i.e. place of entertainment and resulting impact in terms of alleged noise, disturbance, rowdy behaviour etc as alleged by some of the objectors) is not a relevant consideration in the adjudication of the application.
- The municipality does not have a complaint history pertaining to the property, until commencement of public participation of the application under consideration.

NEED AND DESIRABILITY

Pearly Beach does not have a bottle store. The only establishments where liquor could be obtained for off-site consumption is craft beer at the Whale Coast Brewery which is produced at the premises and wine at the Pearly Beach Shop via a retail "grocers license". The latter does not fall within the definition of a bottle store.

With the aforesaid in mind, the property owner identified a need for a bottle store selling a wider range of liquor. Currently the closest nearby bottle stores are in nearby towns such as Gansbaai, Van Dyksbaai and Baardskeerdersbos.

The proposed bottle store will impact the local economy in that it will attract feet, customer spending as well as create employment opportunities. The proposal will also play a role to stimulate growth in the business node in which it is situated and will also be beneficial for the surrounding commercial establishments.

Engineering services are available and in existence to and on the property. A fully operational building will contribute to income generation to the municipality, which if not fully utilised becomes a burden to the taxpayers.

The impact on safety, health and well-being on the community by the proposed bottle store have not been proven by the objectors. In the Overstrand area, the Van Dyskbaai and Gansbaai bottle stores do not have an impact on the aforementioned; it is the human behaviour that may be to the detriment of any community.

In order to address the objections, the applicant made provision that no cheap liquor such as "*papsak*" and quarts be sold in the liquor shop.

The impact of the proposal could be mitigated with the following conditions, namely a limitation to the retail sale of alcohol and prohibition on the distribution to surrounding licensed liquor premises, a limitation on the hours of operation to 6pm Mondays to Saturdays and 1pm on Sundays and Public Holidays. Furthermore, a condition relating to the prohibition of cheap wine (i.e. in plastic contains) and "quarts" 750ml beers or cases thereof will be incorporated as suggested by the applicant should the application be supported.

CHARACTER OF THE AREA

The liquor shop will be accommodated within an existing commercial building on the property. Thus, it is not clear how it will impact the character of the area. Fact of the matter is that the alleged impacts (i.e. health and safety and wellbeing of the surrounding community) is less likely to be impacted upon by a liquor store not allowing on-site consumption, compared to the restaurants in the surrounding area.

Fact of the matter is that alcohol consumption in public is not permitted, that there is no direct correlation between a bottle store and the occurrence of drunk driving. The objection based on the alleged impacts is purely speculative and not substantiated by evidence.

Prohibition on the sale of cheap wines (i.e. *rooi proppie* and cheap plastic containers) and beers such as "750ml quarts or craters therefore, limitation on the business hours and prohibition on the distribution of alcohol.

Similar bottle store establishments are found throughout the municipal area without known complaints. In this regard, the Van Dyksbaai neighbourhood node contains a liquor shop adjoining the café at the petrol filling station, directly abutting residential properties. Approval was granted on 31 October 2012 and proves to be run in a manner that does not disturb the character and amenity of the area as is supported by the fact that no complaints had to date been received.

The opinion is held that the alleged impacts could also be successfully mitigated to ensure the safety and wellbeing of the community at large through appropriate conditions such as:

Impact on the natural area / environment / area of outstanding natural beauty

Objections because sale of liquor will detract from the tourist offering and natural scenic environment of Pearly Beach is speculative and should be dismissed. The sources of pollution and unsocial behaviour by residents / tourists cannot be attributed directly to that of the proposed bottle store. The mere suggestion could be interpreted as discriminatory towards bottle store clientele.

Impact upon municipal services, traffic and parking

The property is an existing commercial property that function within existing service capacity constraints of existing municipal services, access roads and parking. The proposal is not considered to have a significant impact on the aforementioned services. The proposal does not trigger additional on-site parking over and above the former uses of the property. The proposal is supported by the municipal engineering services department.

The behaviour regarding the use of the premises will change when compared to a restaurant where people parking and remain for a longer period of time opposed to a liquor store with remaining for a shorter period of time. It is therefore the opinion that a restaurant would have a greater parking impact opposed to the proposed bottle store.

Title deed

In terms of the title deed the developer, i.e. Pearly Beach Strandoord (Pty) Ltd imposed a prohibition on the sale of liquor, presumably for their benefit and to protect the character of the area. It could also relate to the fact the developer retained the right to the sale of liquor for themselves as owners at the time also of the three hotel sites, where public facilities (i.e. a bar, restaurant and "buiteverbruik") was commonplace, although such facilities was never developed and two of the three hotel properties being rezoned to residential use.

The Pearly Beach Strandoord (Pty) Ltd no longer exist. In accordance with the provisions of Section 45(6) of SPLUMA refence to the company as the controlling authority in terms of the title deed conditions, is deemed a reference to the municipality.

SPLUMA provides for a mechanism for removal of a restrictive title deed condition via an application process and subject to public participation. The applicant complied with the legal prescripts in this regard in that all owners within this township extension were notified, whilst also advertised in the local media.

Public Participation

Although 95 objections (inclusive of one late objection) were received it must be borne in mind that 570 notices were distributed via email, whilst the application was also advertised in the media. The objections received represent 5,4% of the property owners within Pearly Beach.

Under the heading General, the applicant plotted the objections on a map and graphically indicated the locality of the objections. Objections are all outside a 100m radius of the property with the majority further than 500m from the application

property. The applicant argued that the majority of people objected are not in close proximity to the proposed liquor shop. The objections received refer to the social impact of liquor, however the proposed application cannot be held responsible for human behaviour. The objections referring to the availability of alcohol in restaurants have its own implications with the notion that it is more acceptable to drink and drive. The aforementioned has more of a social and safety impact than the consumption of alcohol in your own home. Pearly Beach demographic population is changing, including the needs of the permanent community as is evident in the amount of building plans submitted. The application for a liquor shop located in a business node on the fringe of the township is found desirable.

12. RECOMMENDATION

1. that the objections / comments be noted;
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), for the **removal of restrictive title deed conditions** C.4(b) and D. 2 as contained in Title Deed T36441/2005 applicable to Erf 639, Pearly Beach, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for **consent use** in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), to conduct a bottle store, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in paragraphs 2. and 3. above be subject to the following conditions:
 - (a) that the bottle store be limited to the area of 94m² as indicated on the Site Development Plan attached as per Annexure C;
 - (b) that the bottle store may only be used for the retail sale of liquor and that no distribution to other licensed premises in the area may occur;
 - (c) that no cheap liquor such as quarts and “papsak” be sold from the premises;
 - (d) that the hours of operation of the bottle store be limited to 18:00 hours Mondays to Saturdays and 13:00 hours on Sundays and public holidays;
 - (e) 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;
 - (f) that commercial rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (g) that the facility complies with Health and Safety Legislation and Fire Regulations and that applications be made for the relevant Health and Safety and Fire Certificates;

- (h) that adequate provision be made to manage the behaviour of patrons (both inside and outside the building) and for security and protection of surrounding properties, patrons, vehicles, etc. to the satisfaction of the Senior Manager: Town- and Spatial Planning;
 - (i) that the display of signage be in accordance with the Municipal By-Law on signage;
 - (j) that all the conditions in the Services Report (attached as Annexure G), be complied with;
 - (k) That all the conditions imposed by Telkom (attached as Annexure H), be complied with;
 - (l) that all other development parameters as prescribed in the relevant Zoning Scheme, and
 - (m) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
5. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 with regard to the above conditions of approval.

13. REASONS FOR RECOMMENDATION

Reasons for approval

- ❖ The application has followed due procedure.
- ❖ A total of 570 notices were sent and 95 objections, inclusive of a late objection were received. Within a radius of 100m to 500m 14 were received, with the remaining objections being in a 500m to 3km radius. None of the direct abutting properties objected.
- ❖ The property is located in a business node.
- ❖ Objections are mainly based on speculative assumptions, whilst similar businesses are successfully conducted in neighbouring towns.
- ❖ No new municipal services required.
- ❖ The development is consistent with the SDF and Growth Management Strategy that promote economic development within existing business nodes. applicable strategic policy documents.
- ❖ The development is consistent with the planning principles.
- ❖ The development does not detract from the character of the surrounding area.
- ❖ The development does not unacceptably detract from the vested rights of adjoining property owners.
- ❖ The proposal will create job opportunities and also benefit the economy of the area with residents spending money in the area.

14. ANNEXURES

Annexure A: Locality Plan
Annexure B: Motivation Report
Annexure C: Site Development Plan
Annexure D: Title Deed T36441/2005
Annexure E: Objections and support letters received
Annexure F: Response from applicant
Annexure G: Services Report
Annexure H: Comment: Telkom

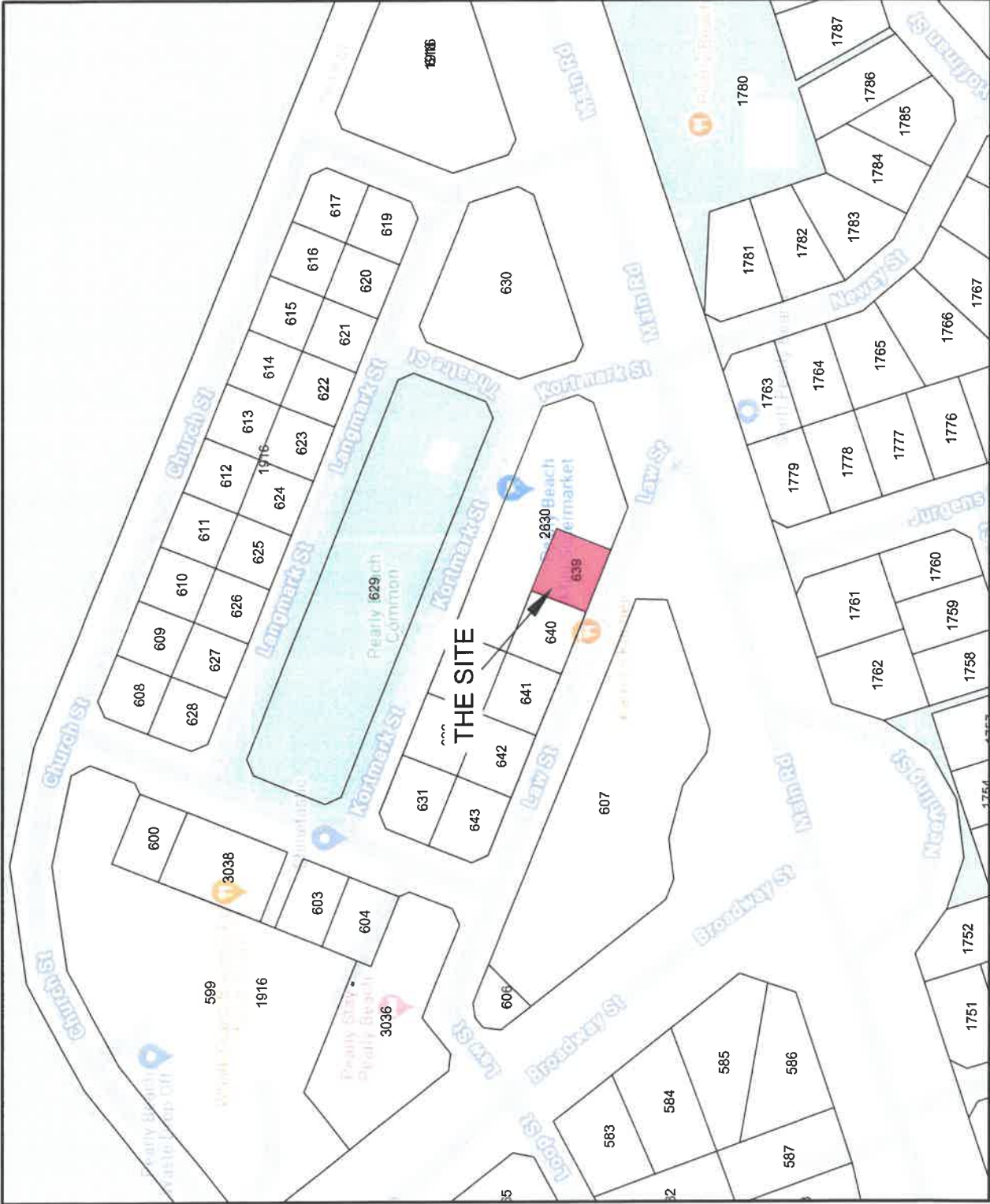
SIGNATURE**REGISTERED PLANNER**

Name: **SW VAN DER MERWE**

SACPLAN Reg No: **A/1850/2014**

Signature: _____

Date: _____



Scale: NTS

Drawing Nr:
639 PEARLY BEACH.dwg

Date:
18 Oct 2024

Plan Description: LOCALITY MAP

Property Description:
ERF 639
PEARLY BEACH

All distances approximate and subject to survey.

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Town & Regional Planners



**PROPOSED CONSENT USE AND THE REMOVAL OF
RESTRICTIVE TITLE DEED CONDITIONS**

ERF 639 PEARLY BEACH

DIVISION: OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Plan Active Town & Regional Planners has been appointed by Mrs. J.C. Koekemoer, the owner of Erf 639 in Pearly Beach, to apply for a consent use to establish a bottle store within a portion of the existing building. Notably, there are currently no bottle stores situated in Pearly Beach, making this a significant addition to the local business landscape.

Erf 639 Pearly Beach is held under Title Deed T36441/2005 and is 555m² in extent. The site currently hosts a fully operational restaurant. Additionally, the application includes the removal of restrictive Title Deed conditions that may limit the use of the property for purposes other than a restaurant.

In accordance with the Overstrand Municipality Zoning Scheme, 2020, the property is zoned Business Zone 3 and is presently being used as a restaurant. The proposal for the bottle store does not require any expansion or structural changes to the building, as it will be accommodated within the existing structure through internal alterations. The bottle store is expected to cover an area of approximately 94m², situated on the western side of the building, facing Law Street.

The parking requirements for the proposed bottle store align with those of the existing restaurant, which means that the already approved and established parking bays will remain unchanged. This ensures that the project complies with zoning regulations and minimizes disruption to the surrounding area.

The introduction of a bottle store in Pearly Beach aims to enhance the range of services available to residents and visitors, contributing to the town's local economy while maintaining the existing character of the area.

2. APPLICATION DETAILS

Application is made for / in terms of:

- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the removal of restrictive Title Deed conditions.
- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, for a consent use of Erf 639 Pearly Beach to establish a bottle store within an existing building.

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

Erf 639, Pearly Beach, is located on the eastern side of Pearly Beach, near the main entrance road, within a block designated for business purposes. Building plans for a restaurant have been approved, and the property is currently being utilized for that purpose. Parking bays are situated along the southern boundary of Erf 639, adjacent to Law Street. Please refer to the attached locality map for further details.

The application for consent use to establish a bottle store pertains to a portion of the building, approximately 94m² in size. The erf, with a total area of 555m², is an

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established business property that will continue to be used as such in accordance with the approved building plans.

3.2 ZONING

The subject erf is zoned Business Zone 3, Local Business Zone. The primary land use rights and consent uses in terms of the Business Zone 3 zoning are as follow:

a) **Primary uses** are: shops, dwelling unit (above ground floor, flats (above ground floor), offices, restaurant, caretaker's accommodation and self-catering.

b) **Consent uses** are: bottle store, business premises, clinic, conference facility, dwelling unit (on ground floor), flats (on ground floor), town housing, tourist accommodation, hotel, institution, place of assembly, place of entertainment, 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).

Surrounding zonings are Residential Zone 1, General Residential Zone 3, Business Zone 3, Utility Zone, Community Zone, Open Space Zone 2 and Transport Zone 2. Please refer to zoning plan abstract below:



3.3 LAND USE

As previously noted, a restaurant was constructed on the subject property in accordance with recently approved building plans. This development aligns with the property's Business Zone 3 designation and contributes to the gradual commercial growth of the area.

The surrounding business district, however, remains relatively underdeveloped, with few commercial establishments currently in operation. Significantly, there are currently no bottle stores situated in Pearly Beach, which presents a unique opportunity for the proposed bottle store to have a positive impact on the local business node.

By introducing the first bottle store in the area, this development would fill a gap in the market, attracting both local residents and visitors who would otherwise need to travel outside Pearly Beach for such services. The additional foot traffic generated by the bottle store could complement existing businesses, including the on-site restaurant, and stimulate further commercial activity.

Given the untapped potential of the business district, the bottle store could serve as a catalyst for future growth, encouraging more investment and development in the area. Its presence would not only provide a valuable service to the community but also enhance the commercial viability of the business node, helping to transform Pearly Beach into a more dynamic and self-sufficient business environment.

3.4 PROPOSED APPLICATION

- In terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the removal of restrictive Title Deed conditions.

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- In terms of Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, for the consent use of Erf 639 Pearly Beach to establish a bottle store on the subject property;

In terms of the Overstrand Municipality Zoning Scheme Regulations, Business Zone 3 provides for a range of primary uses, such as shops, restaurants, and offices. However, a bottle store is not included as a primary right within this zoning. Instead, the regulations specifically allow for the establishment of a bottle store under a consent use, meaning that additional approval is required to introduce such a facility on a property zoned Business Zone 3.

The definition of a "bottle store" in the Zoning Scheme is clearly outlined as:

"An establishment where the main purpose is the retail sale of alcoholic beverages for off-site consumption."

In the context of Erf 639, Pearly Beach, applying for a consent use to introduce a bottle store would be essential, as the current zoning permits this through a regulatory process rather than as an automatic right. The approval of such a consent use would allow for the establishment of a bottle store within the existing structure, ensuring compliance with municipal regulations.

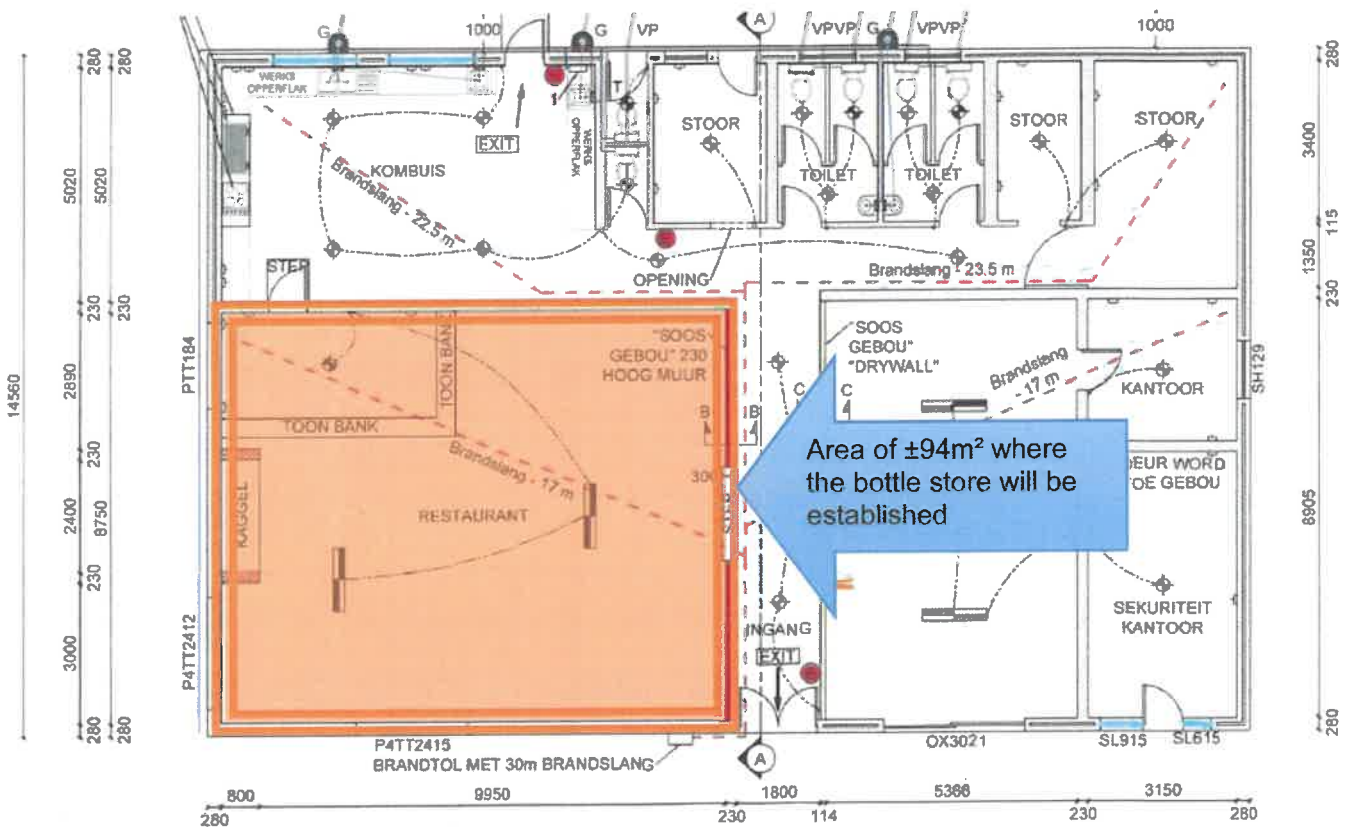
Given that Pearly Beach currently lacks a bottle store, the proposed addition would fill a notable gap in services, offering a new retail option for residents and visitors. The consent use application is crucial in enabling this development, as it ensures that the introduction of the bottle store aligns with broader planning considerations for the area, including its impact on traffic, parking, and the local community. Furthermore, by following the consent use process, the bottle store would be integrated in a manner that supports the strategic growth of Pearly Beach's commercial node while adhering to regulatory requirements.

In conclusion, while Business Zone 3 does not automatically allow for a bottle store, the provision for consent use under this zoning category opens the door for the establishment of such a facility, provided the necessary approvals are obtained. This

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regulatory mechanism ensures that the bottle store is introduced in a way that is consistent with local planning and community needs.

With reference to the approved building plans and the building plan abstract below for easy reference, it is proposed that an area of $\pm 94\text{m}^2$, that is located within the western section of the building facing Law Street will be utilised as a bottle store:



The area of approximately 94m^2 , highlighted in orange on the accompanying plans, is proposed to be utilized for the retail sale of alcoholic beverages, in accordance with the definition of a bottle store. Under this proposal, a portion of the already approved and operational restaurant will be repurposed as a bottle store. Importantly, no additional business space or expansion of the building is being proposed.

The application primarily involves a change of use for this specific section of the building, transitioning from a restaurant to a bottle store. The internal alterations required for this adjustment will not affect the building's footprint. Building plans for

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these internal alterations will be submitted to the Overstrand Municipality for their review and approval, ensuring compliance with all relevant building and zoning regulations.

By repurposing a portion of the restaurant into a bottle store, this proposal maximizes the efficient use of the existing structure while introducing a new and needed service to the community, without necessitating any significant structural changes or expansion.

3.4.1. Proposed Removal of Title Deed restrictions

Van Zyl Kruger Attorneys were engaged to provide a conveyancing certificate confirming whether the Title Deed contains any restrictive conditions that need to be addressed. Upon review, the enclosed Title Deed (T36441/2005) and pivot Title Deed T833/1991 include the following restrictions:

- Page 3, paragraph C(4)(b): "It shall be **used for shop purposes only.**"
- Page 4, paragraph (D)(2): "The registered owner or any occupant of the said land shall not permit or suffer to be erected or displayed thereon any hoardings or advertisements whatsoever except only bona fide notice that the property is for sale, and **any sale or dealing in intoxicating liquor in the said land is likewise prohibited.**"

The need to address these Title Deed restrictions arises from the following:

- **Restriction on Shop Purposes:** The proposed bottle store does not fall within the definition of a "shop" and therefore requires an application for consent use. The Title Deed restricts the land use to "shop purposes only," which does not include a bottle store. To align with the primary rights set out in the Overstrand Municipal Land Use Planning Scheme, 2020, for properties zoned as Business Zone 3, we request the removal of the restriction on Page 3, paragraph C(4)(b), which states: "It shall be used for shop purposes only."

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- Prohibition on the sale of intoxicating liquor: As a bottle store is being proposed, this use conflicts with the Title Deed's restriction on the sale of intoxicating liquor. The relevant clause reads: Page 4, paragraph (D)(2): "The registered owner or any occupant of the said land shall not permit or suffer to be erected or displayed thereon any hoardings or advertisements whatsoever except only bona fide notice that the property is for sale, and **any sale or dealing in intoxicating liquor in the said land is likewise prohibited.**" We are seeking the removal of this restrictive condition to permit the establishment of the bottle store.

In accordance with Chapter 4, Section 35(4) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, and Section 39(5) of the Land Use Planning Act, 2014, the Municipality must consider certain criteria when evaluating the removal, suspension, or amendment of restrictive conditions. The municipality must consider the following:

- **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 vests in the person as the owner of a dominant tenement.**

The restrictive Title Deed conditions currently applicable to Erf 639 Pearly Beach limit the property to "shop purposes only" and prohibit the sale of intoxicating liquor. These restrictions may have originally been intended to regulate the nature of businesses and maintain a particular character within the area. However, given the evolving needs of the community and the current underdeveloped business node, these conditions now inhibit the full economic potential of the property.

There is no significant financial or personal value associated with these restrictive conditions for any surrounding property owners or the community at large. In fact, the current restrictions limit the viability of the proposed bottle store, which would not only add to the commercial diversity of the area but also meet the local demand for such services, especially considering that Pearly Beach currently lacks a bottle store. The

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removal of these conditions would enhance the economic opportunities for the property owner and contribute to the growth and development of the broader business zone.

From a financial perspective, the restrictive conditions act as a constraint on the utilization of the property, potentially reducing its market value by restricting permissible uses. By allowing the establishment of a bottle store, the value of the property is likely to increase, benefiting both the owner and the local economy. Furthermore, the removal of these conditions will not negatively impact surrounding properties, as the proposed bottle store will be located within an existing building and carefully managed to avoid any undesirable effects.

Therefore, while the restrictive conditions may have had some historical value, they no longer serve the best interests of the property owner, the community, or the business development of Pearly Beach. Their removal is expected to positively impact the financial and commercial dynamics of the area without infringing on the rights or values of neighbouring properties.

- **The personal benefit which accrues to the holder of rights in terms of the restrictive conditions.**

The restrictive conditions placed on Erf 639 Pearly Beach, which limit its use to "shop purposes only" and prohibit the sale of intoxicating liquor, offer little to no personal benefit to any individual or entity. These restrictions, which may have once aimed to preserve a specific land use character, are now outdated and serve as a hindrance to the optimal use of the property in the current context of Pearly Beach's development.

The property owner, Mrs. J.C. Koekemoer, does not personally benefit from these restrictions. Instead, the restrictions prevent the establishment of a bottle store, a business that is in demand within the area, where no such service currently exists. Allowing the bottle store would not only meet community needs but also enhance the commercial viability of the property, thus directly benefiting the owner.

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As for the surrounding property owners, any personal benefit they may have once derived from the restrictive conditions is minimal. The area is evolving with mixed-use development, including residential, business, and utility properties. The restrictions no longer provide meaningful protection or enhancement to the value or character of neighbouring properties. In fact, the removal of these conditions would likely benefit the wider community by introducing a well-managed commercial service, without negative impacts on the area's character or appeal.

In summary, the restrictive conditions offer no substantial personal benefit to the property owner or surrounding property holders. Removing them will enable the property to reach its full potential while supporting local economic growth, without compromising the integrity of the surrounding environment.

- **The personal benefit which will accrue to the person seeking the removal of the restrictive conditions, if removed.**

The removal of the restrictive conditions on Erf 639 Pearly Beach will directly benefit the property owner, Mrs. J.C. Koekemoer, by unlocking the full commercial potential of the property. Currently, the restrictions limit the use of the property to "shop purposes only" and prohibit the sale of alcoholic beverages. These limitations prevent the establishment of a bottle store, which would otherwise capitalize on an untapped market in Pearly Beach, where there are currently no such stores.

By removing the restrictive conditions, Mrs. Koekemoer will gain the ability to utilize a portion of the existing building ($\pm 94\text{m}^2$) for a bottle store, increasing the property's utility and revenue potential. The conversion of part of the building into a bottle store will diversify the business offerings on-site, thereby creating an additional income stream without the need for further construction or development. This will enhance the financial sustainability of the property while meeting local demand.

Moreover, the approval to establish a bottle store will increase the market value of Erf 639 Pearly Beach, making it a more attractive asset both as a functioning business

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and in future resale opportunities. The change in land use aligns with the current zoning (Business Zone 3) and community needs, providing a responsible way to develop the property further.

In summary, the personal benefit to Mrs. Koekemoer from the removal of these restrictive conditions is clear, it allows her to enhance the profitability and market value of her property by introducing a sought-after commercial service, all within the existing business framework and infrastructure.

- **The social benefit of the removal, suspension or amendment of the restrictive conditions remaining in place.**

If the restrictive conditions on Erf 639 Pearly Beach were to remain in place, the primary social benefit would likely be the continued limitation of certain commercial activities, such as the sale of alcoholic beverages, which some individuals or groups may feel could contribute to unwanted social behaviour. By prohibiting the establishment of a bottle store, the community may believe it is preserving the character of the area or maintaining a quieter, more residential environment.

The restrictive conditions could also be seen as a mechanism for controlling the type and intensity of business operations in the area, ensuring that the nature of commercial activities remains aligned with the original vision for the community. Some residents may value the restrictions for preserving a sense of order, especially in an area that includes residential, open space, and community-oriented land uses.

However, the broader social benefits of keeping these restrictive conditions in place appear limited. As Pearly Beach evolves and its commercial and residential needs change, the restrictions may hinder the area's potential to grow and meet the needs of its residents. Additionally, the underdeveloped nature of the business node suggests that retaining these restrictions could stifle opportunities for local economic and social development, especially considering the lack of services like a bottle store in the area.

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In summary, while the restrictive conditions may have once been socially beneficial by maintaining a certain type of land use, their continued enforcement offers little advantage to the community in the present context and could actually restrict social and economic progress in Pearly Beach.

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

The removal or amendment of the restrictive conditions on Erf 639 Pearly Beach will bring significant social benefits to the local community, especially considering the current absence of a bottle store in Pearly Beach. The introduction of this business within a portion of the existing building will enhance access to services for residents and visitors alike, improving convenience without the need for people to travel to nearby towns to obtain alcoholic beverages.

The presence of a well-managed bottle store will contribute to the overall vitality of the business node, which is currently underdeveloped. By expanding the range of services available in the area, the establishment of a bottle store will encourage foot traffic and create a more active, vibrant local economy. This could potentially attract further investment in the area, supporting local job creation and contributing to the growth of Pearly Beach as a thriving community.

Furthermore, the integration of the bottle store within an existing structure ensures that no additional development is required, thereby preserving the existing character of the neighbourhood. The store will be carefully managed to minimize any potential negative effects on surrounding residential and business properties, ensuring that it complements rather than disrupts the social fabric of the area.

In conclusion, removing the restrictive conditions will provide a direct social benefit by enhancing local access to services, stimulating economic activity, and promoting sustainable development without negatively impacting the surrounding community.

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This change will meet the evolving needs of Pearly Beach's residents while supporting the growth of a balanced, mixed-use business environment.

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

The removal or amendment of the restrictive conditions on Erf 639 Pearly Beach will not result in the complete removal of rights enjoyed by the beneficiaries of these conditions. Rather, it will only affect specific rights related to the land use restrictions that limit the property to "shop purposes" and prohibit the sale of alcoholic beverages.

The broader regulatory framework established by the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, and applicable zoning regulations, will continue to provide oversight and governance over how the property is used and developed. This ensures that beneficiaries still enjoy protections and municipal controls that guide land use in Pearly Beach, even after the restrictive conditions are removed.

In accordance with Section 47 of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA), removing these restrictions will not violate the constitutional rights of any person, including those residing or conducting business in the surrounding area. The process will not deprive any individuals or entities of their rights as contemplated under Section 25 of the Constitution of South Africa.

Furthermore, removing these restrictions would allow the property owner to fully utilize the commercial potential of the land by accommodating a bottle store within the existing structure, which currently aligns with community needs. This proposed change will not completely strip beneficiaries of their rights, but instead balance the property owner's interests with continued municipal oversight.

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In summary, while some specific rights will be modified through the removal of these restrictive conditions, beneficiaries will still retain broader protections under local planning laws, ensuring that development remains responsibly managed within the community.

3.5 CHARACTER OF THE ENVIRONMENT

Erf 639, Pearly Beach, is situated on the eastern side of the town within an area designated for business purposes. The immediate surroundings along Law Street reflect a mixed-use character, including developed residential flats, business erven, and a property designated for utility services. Additionally, the wider area around Erf 639 is comprised of properties zoned for residential use and public open spaces, contributing to a well-balanced community environment.

The proposed bottle store will be located within the established building on Erf 639 Pearly Beach. While no external expansions are planned, internal alterations will be required to repurpose a portion of the restaurant for the bottle store. These changes will occur within the existing structure, ensuring that the physical appearance of the building remains consistent with its current form.

The bottle store will be carefully managed to avoid attracting undesirable elements, and measures will be implemented to minimize any potential negative effects on surrounding residential, business, and utility properties.

The primary business land use rights will remain intact, and the internal changes to accommodate the bottle store within the existing building will not disrupt the character of the area. With the residential flats and other developments already in place, the bottle store is expected to integrate smoothly into the local community, enhancing the commercial activity without negatively impacting the environment or surrounding properties. This proposal supports the growth of the local economy while maintaining the area's mixed-use balance and preserving its established character.

3.6 POTENTIAL OF THE PROPERTY (DESIRABILITY OF THE PROPOSED UTILIZATION)

The potential of Erf 639, Pearly Beach, is significantly enhanced by the proposed establishment of a bottle store within the existing building. Given the current lack of bottle stores in the Pearly Beach area, this proposal addresses a clear demand for such a service, making it a desirable addition to the local commercial landscape.

The strategic location of the property, situated within a mixed-use zone, positions the bottle store to attract both residents and visitors. The proximity to established residential flats and nearby businesses ensures a steady customer base, thereby increasing the likelihood of the bottle store's success. This new offering would not only fill a gap in the market but also enhance the overall appeal of the shopping precinct.

In addition, the integration of a bottle store within the existing structure minimizes the need for extensive alterations, allowing for a quicker transition from concept to operation. This efficiency contributes to the overall desirability of the proposed utilization, as it aligns with community needs without disrupting the established environment.

The bottle store will complement the existing restaurant, creating a synergistic effect that can boost foot traffic and enhance the overall vibrancy of the area. By providing a new retail option, the proposal contributes to the local economy, supports job creation, and encourages further commercial development in Pearly Beach.

In summary, the proposed utilization of Erf 639 Pearly Beach for a bottle store is highly desirable, given the existing market gap, strategic location, and potential to enhance the local business environment. This development promises to contribute positively to the character of the area while meeting the needs of the community.

3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.7.1 PROVISION OF SERVICES

The proposed bottle store will be established within a portion of an existing building that has been approved for use as a restaurant. The current Business Zone 3 zoning will remain unchanged; however, approximately 94m² of the building will be repurposed exclusively for the sale of alcoholic beverages.

Since the infrastructure required for retail operations is already in place, no additional services will be necessary to facilitate the change of use from a portion of the restaurant to a bottle store. This efficient use of existing resources ensures a smooth transition and minimizes disruption to the surrounding area. The bottle store will operate within the framework of the current zoning regulations, further solidifying its integration into the established business environment.

3.7.2 TRAFFIC IMPACT, PARKING AND ACCESS

As previously noted, the use of Erf 639 Pearly Beach, will continue as a business site with its primary function as a restaurant. However, a portion of the building, approximately 94m² in size, will be repurposed to establish a bottle store. Importantly, this change does not create any additional shopping space; rather, it involves a modification of the land use for part of the existing restaurant.

The bottle store will operate under the same parking bay requirements as the restaurant, meaning that the consent use will have no impact on the volume of traffic or traffic flow in the area. Additionally, there will be no need for additional parking bays, as the existing provision of 10 parking bays was previously approved in connection with the building plans for the restaurant. These parking bays are conveniently accessed from Law Street.

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This continuity in parking requirements ensures that the transition to a bottle store will not disrupt the current access arrangements or worsen traffic conditions. Overall, the proposed change of use is expected to integrate smoothly into the existing traffic and parking framework, maintaining the functionality of the site while serving the needs of the community.

3.8 TITLE DEED

The Title Deed T36441/2005 have restrictions that need to be removed in order for this application for consent use to be approved. Please refer Section 3.4.1 above.

3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

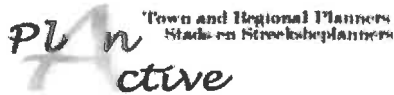
3.9.1 HERITAGE VALUE

The proposed change of use for a portion of the existing building to a bottle store will have no impact on the heritage value of the property or the surrounding area. The outer appearance of the building will remain unchanged, aside from the branding specific to the proposed bottle store.

This minimal alteration ensures that the architectural integrity and character of the existing structure is preserved.

3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed consent use to change a portion of the building to a bottle store does not trigger any listed activities as defined under the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998).



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This assessment indicates that the proposed change will not have significant adverse effects on the biophysical environment. Since the alterations involve only internal modifications within the existing structure, there will be no disruption to the surrounding ecosystem, land use, or natural resources. The proposal aligns with sustainable development principles by ensuring that existing infrastructure is utilized efficiently without necessitating new construction or environmental degradation.

3.10 FORWARD PLANNING

This application constitutes the change of use of a portion of an established building used as a restaurant on a property zoned Business Zone 3 to a bottle store. Consequently, the section pertaining to forward planning and its associated subsections are not applicable to this application.

Given that the proposal involves repurposing an existing space within the current zoning framework, there are no significant implications for long-term land use planning, community development strategies, or infrastructure requirements. The focus remains on optimizing the existing business premises without necessitating additional planning considerations.

3.11 PLANNING PRINCIPLES

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience of this application can be described as follows:

Spatial Justice: Spatial justice refers to the equitable distribution of resources, opportunities, and amenities across different areas, ensuring that all communities have access to the benefits of urban development. In the context of the proposed change of use for a portion of the building on Erf 639 Pearly Beach, to a bottle store, the concept of spatial justice plays a vital role in promoting inclusive growth and community well-being.



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The introduction of a bottle store addresses a specific need within the Pearly Beach community, particularly given the absence of such facilities in the area. By providing local residents and visitors with convenient access to retail options for alcoholic beverages, the proposal helps to enhance the overall quality of life and support local economic activity.

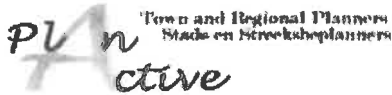
Furthermore, the integration of the bottle store within an existing business site promotes efficient land use and minimizes potential urban sprawl, aligning with principles of sustainable development. This approach not only serves the immediate community but also contributes to the broader goal of creating vibrant, mixed-use environments where various socioeconomic groups can thrive.

By facilitating access to essential services, the proposed development promotes spatial equity, ensuring that all members of the community benefit from the commercial growth of Pearly Beach. Overall, the bottle store is positioned to foster a sense of community, enhance local amenities, and contribute positively to the social fabric of the area.

Spatial sustainability:

Spatial sustainability refers to the responsible and equitable use of land and resources to meet present needs without compromising the ability of future generations to meet their own. In the context of the proposed change of use for a portion of the restaurant on Erf 639, Pearly Beach, to a bottle store, several key aspects of spatial sustainability are addressed.

Firstly, the proposal maximizes the use of existing infrastructure by repurposing a portion of the building, thereby minimizing the need for new construction and reducing the environmental footprint associated with development. By utilizing the current building, the project aligns with principles of sustainable urban planning that prioritize the efficient use of space and resources.



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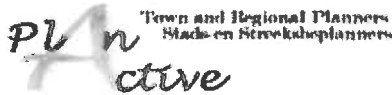
Additionally, the establishment of a bottle store within an existing business environment promotes mixed-use development, which is essential for creating vibrant, resilient communities. This integration encourages foot traffic and supports local economic activity without contributing to urban sprawl, thereby preserving open spaces and natural resources in the surrounding area.

Furthermore, the proposed bottle store will serve a dual purpose: providing a necessary service to the community while enhancing the overall appeal of the business node. This can stimulate further investment in the area, encouraging a more diverse range of businesses and amenities that contribute to the long-term sustainability of the community.

In summary, the change of use for the portion of the restaurant to a bottle store exemplifies spatial sustainability by optimizing existing resources, promoting mixed-use development, and supporting the local economy, all while preserving the environment for future generations.

Efficiency: Efficiency in urban development refers to the optimal use of resources, infrastructure, and space to achieve maximum utility with minimal waste. The proposed change of use for a portion of the building on Erf 639 Pearly Beach, to a bottle store embodies principles of efficiency in several keyways.

Firstly, the proposal capitalizes on existing infrastructure, utilizing a portion of an already established building. This approach eliminates the need for new construction, thereby reducing both material waste and environmental impact. By repurposing an existing space, the project also minimizes the time and resources typically associated with site preparation and construction, facilitating a quicker transition to operation.



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Secondly, the bottle store will share the parking and access arrangements of the restaurant, which have already been approved. This shared use of facilities ensures that no additional parking spaces or access routes are required, further enhancing the efficiency of land use. The existing provision of parking bays, accessible from Law Street, will adequately accommodate the expected customer volume without necessitating further development.

Additionally, by introducing a bottle store in an area currently lacking such a facility, the proposal improves local accessibility to essential goods, reducing the need for residents to travel outside the community for similar services. This not only supports local economic activity but also contributes to a reduction in traffic congestion and associated emissions.

In conclusion, the proposed change of use demonstrates a commitment to efficiency by making the most of existing resources, optimizing land use, and enhancing local accessibility. This efficient approach benefits both the business and the community while promoting sustainable development practices.

Spatial Resilience: Spatial resilience is not applicable to this application.

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.

4. RECOMMENDATION

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

- Addressing local needs by providing a much-needed service, filling the gap created by the absence of bottle stores in Pearly Beach.

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- Efficient use of space through the conversion of a portion of an existing building, minimizing environmental impact and avoiding unnecessary construction.
- No extra parking concerns since the bottle store will utilize existing parking facilities, helping to maintain smooth traffic flow.
- No additional services required, as the bottle store will be integrated into the approved building being utilised as a restaurant.
- The floor area ratio of the building will remain unchanged, ensuring compliance with existing planning regulations.
- The bottle store will be carefully managed to avoid attracting undesirable elements, with measures implemented to minimize any potential negative effects on surrounding residential, business, and utility properties.
- Boosting the local economy with potential job creation and increased local spending.
- Conveniently located and easily accessible, enhancing the overall attractiveness of the shopping centre for residents and visitors.
- The zoning of Erf 639 Pearly Beach will remain unchanged, along with the primary use of the site. The application only represents a change of land use from a portion of the building ($\pm 94\text{m}^2$) to a bottle store.
- The proposed consent use and removal of restrictive Title Deed conditions will not negatively impact Erf 639 Pearly Beach or the land uses of surrounding properties, ensuring harmony within the community.
- Proposal aligns with the existing built character of the area, maintaining aesthetic continuity and supporting the overall development goals of Pearly Beach.

Overall, supporting the application for the bottle store aligns with community needs and promotes a thriving, sustainable environment in Pearly Beach. With reference to the above is it our opinion that the proposal for a consent use and the removal of restrictive Title Deed conditions for a bottle store can be supported for your favourable evaluation.

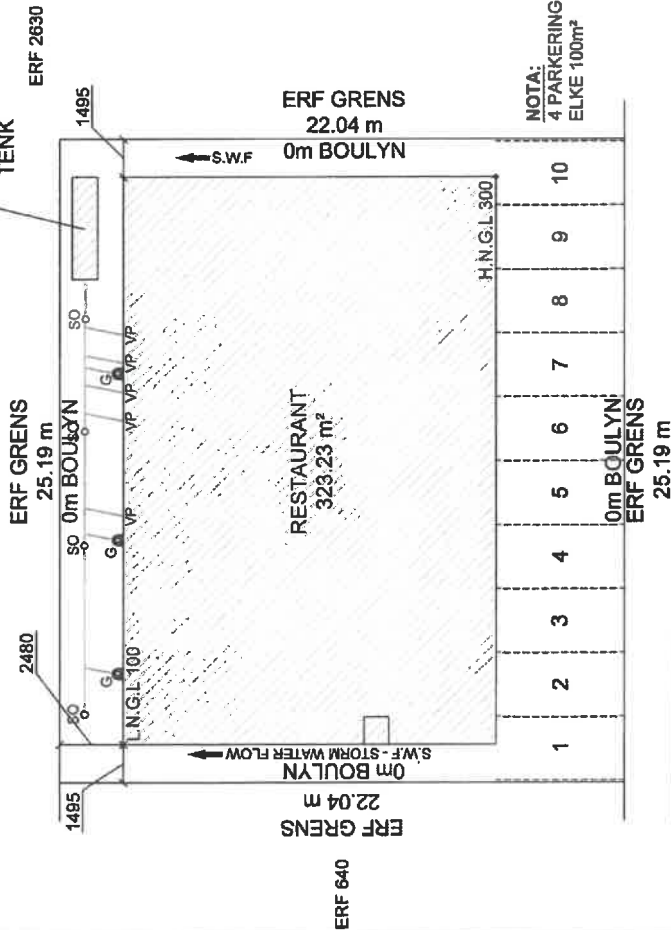
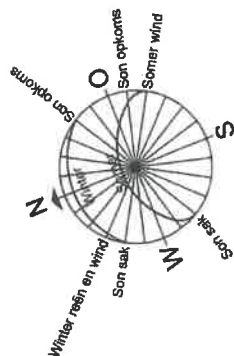
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J.C KOBKEMOER
OP ERF NO 639 GELEË TE PEARLY BEACH

OVERSTRAND MUNICIPALITY

Building Plan No. 11672 is recommended for approval in terms of the National Building Regulations and Building Standards Act No. 103 of 1977 and all other applicable laws by the Building Control Officer.

Date: 17 JAN 2024
Approved in terms of the National Building Regulations and Building Standards Act No. 103 of 1977 and all other applicable laws by the Manager: Building Control

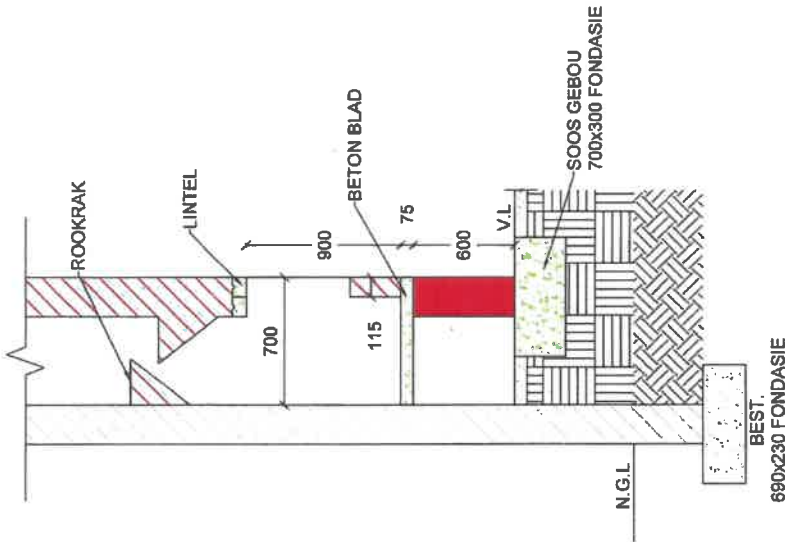
Best: 6000 17 JAN 2024



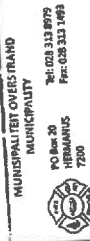
9 LAW STRAAT

TERREIN PLAN
SCALE 1:200

NOTA:
GEEN BRANDBARE MATERIAAL (HOUT ENS) MAG BINNE 200mm VANAF DIE BINNEKANT VAN DIE SKOORSTEEN INGEBOU WORD NIE NBR "V V 1-4"



DETAIL KAGGEL/BRAAI



Date: 09 JAN 2024

FIRE BRIGADE/SPANDWEER APPROVED/GOEDGEKEUR

PAGE 01 OF 06

STEENWERK

280 Cavity mure. Buite en Binnemure gepleister en geveer volg. eienaars keuse

DAKKONSTRUKSIE

Big six plate op 50 x 38 mm daklatte @ 1m s/s op 300 x 75 mm laminated dakbalke @ 1,2m s-s op 114 x 38 mm muurplaat (sien snit a-a) voorsien van 32 x 1.6 mm gegatvaniseerde bousershoepel by elke bak

PLAFONNE

25 mm ISO-Pine op daklatte

VENSTERS EN DEURE

Best. hout en Soos Gebou aluminium

RIOLWERK

Volgens munisipale vereistes en regulasies

GEUTE

PVC geute en afeipype. Geute op 225 x 12 mm tasia board

ELEKTRIESEITEIT

Alle elektriese werke deur specialist. Voldoening sertifikaat moet voorsien word.

GAS

Alle gas deur specialist en volgens SANS regulasies ter plan aangedui

OPPERVLAKTE

Restaurant : 323.23 m²

Totaal "Footprint" 323.23 m²

323.23 m²

ERF 555 m²

DEKING 66.24 %

SKAAL IN PLAN : REG No D2730
1:20, 1:50, 1:100, 1:200 TEK NO : JJ 45/23

ALGEMEEN

Alle mates en hoogtes moet op terrein nagegaan word voor werk mag begin. Mates op plan geniet voorrang voor mates geskaal vanaf plan. Vloervlak in alle gevalle min. 300mm bo grondvlak. Vogdiglaag moet onder alle openinge in buitemure bouers hoepel 300mm aan beide kante van muurgevestig. Alle dak hout wat in muur in gebou word moet met dpc gedek word by gedeelte waar dit met die muur kontak maak.

ALLE BOUWERK STRENG VOLGENS NASIONALE, PROVINSIALE EN PLAASLIKE BOUREGULASIES.

J.J van der Nest

ARGITEKTONIESE DIENSTE

P.R. ARCHYDRAUGHT

SACAP REG: (D2730)

GETEKEN : J.J VAN DER NEST

Blesbokstraat 3

Kleinbaai, 7220

Sel : 082-486-8560

DATE: 15.11.2023

STAMPS

VOORGESTELDE "SOOS GEBOU" REGSTELLINGS VIR
J.C KOEKEMOER
OP ERF NO 639 GELEË TE PEARLY BEACH

OVERSTRAND MUNICIPALITY

Building Plan No. 146724 is recommended for approval in terms of the National Building Regulations and Building Standards Act No. 103 of 1977 and all other applicable laws by the Building Control Officer.

Date: 17 JAN 2024

Approved in terms of the National Building Regulations and Building Standards Act No. 103 of 1977 and all other applicable laws by the Manager: Building Control

Date: 17 JAN 2024

8.5m SKEMA HOOGTE BEPERKING

8.5m SKEMA HOOGTE BEPERKING

NOTA:
ALLE HOUT MOET
BEHANDEL WEES
EN VOLGENS
REGULASIES VAN
SANS 10082 EN
0163

DIENSTE
SACAP REG: (PAD 2730)
J.J. van der Nest
Bliesbokstraat 3
Kleinbaai, 7220
Tel: 082 486 8580
E-MAIL:
VanDerNestJohann@gmail.com

GETEKEN: [Signature]
DATUM: 27-12-2023
TEK NO.: JJ 45/23

PAGE 02 OF 06

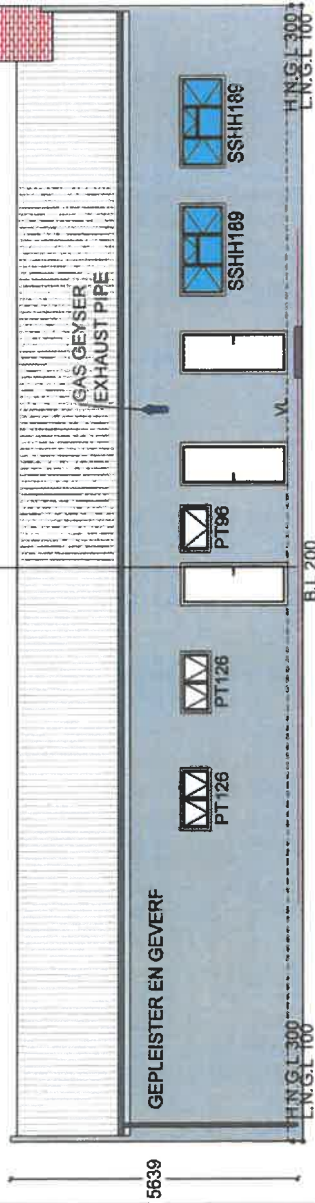
EIENAAR: J.C. KOEKEMOER

J.J. van der Nest
ARGITEKTONIESE
DIENSTE

SACAP REG: (PAD 2730)
J.J. van der Nest
Bliesbokstraat 3
Kleinbaai, 7220
Tel: 082 486 8580
E-MAIL:
VanDerNestJohann@gmail.com

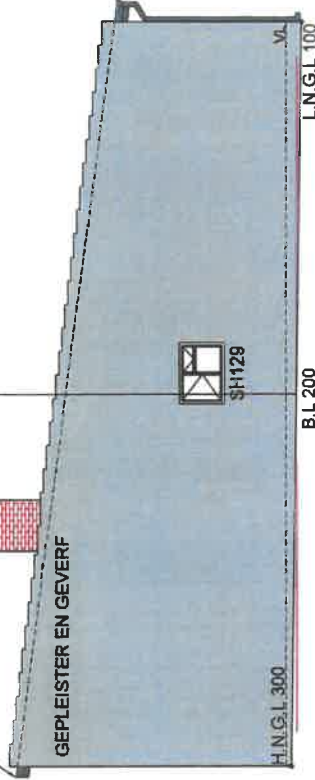
8.5m SKEMA HOOGTE BEPERKING

8.5m SKEMA HOOGTE BEPERKING



NOORD AANSIG
SKAAL 1:100

8.5m SKEMA HOOGTE BEPERKING

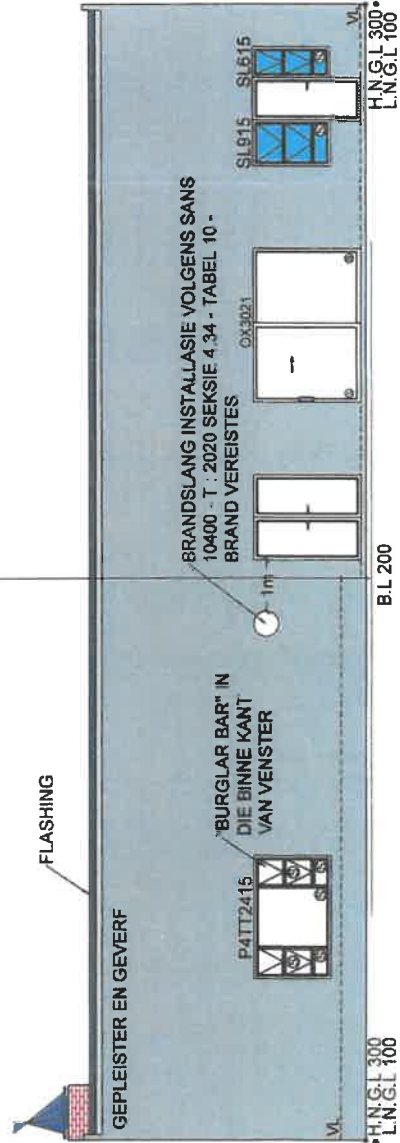


OOS AANSIG
SKAAL 1:100

MUNIPALITEIT OVERSTRAND
MUNICIPALITY
PO BOX 20
HERMANUS
7200
Tel: 028 313 8978
Fax: 028 313 1483

Date: 09 JAN 2024

FIRE BRIGADE/SPANDBOEWER
APPROVED/GOEDGEKEUR



SUID AANSIG
SKAAL 1:100

WES AANSIG
SKAAL 1:100

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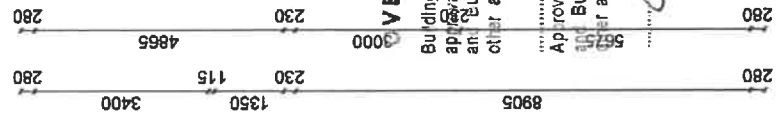
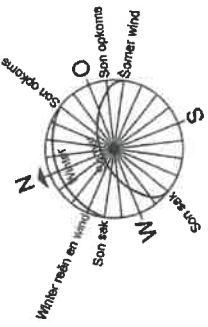
PAGE 03 OF 06
 EIENAAR: J.C. KOKEMOER
 J.J. van der Nest
 ARGITEKTONIESE
 DIENSTE
 SACAP REG: (PAD 2730)
 J.J. van der Nest
 Blesbokstraat 3
 Kleinbaai, 7220
 Sel: 082 486 8580
 E-MAIL: VanderNest@iemail.com
 GETEKEN: [Signature]
 DATUM: 27.1.2023
 TEK NO: JJ 45723

NOTA:
 ALLE HOUT MOET
 BEHANDEL WEES
 EN VOLGENS
 REGULASIES VAN
 SANS 10082 EN
 0163

VERSTRAND MUNICIPALITY
 Building Plan No. 11662 is recommended for approval in terms of the National Building Regulations and Building Standards Act No. 103 of 1977 and all other applicable law by the Building Control Officer.
 Date: 17 JAN 2024
 Approved in terms of the National Building Regulations and Building Standards Act No. 103 of 1977 and all other applicable law by the Manager: Building Control Officer
 Date: 17 JAN 2024

MUNISIPALITEIT OORSTRAND MUNICIPALITY
 PO Box 20
 HERMANUS 7200
 Tel: 082 913 8079
 Fax: 082 933 2409
 Date: 09 JAN 2024
 FIRE BRIGADE/BRANDWEER APPROVED/GOEGESEKUR

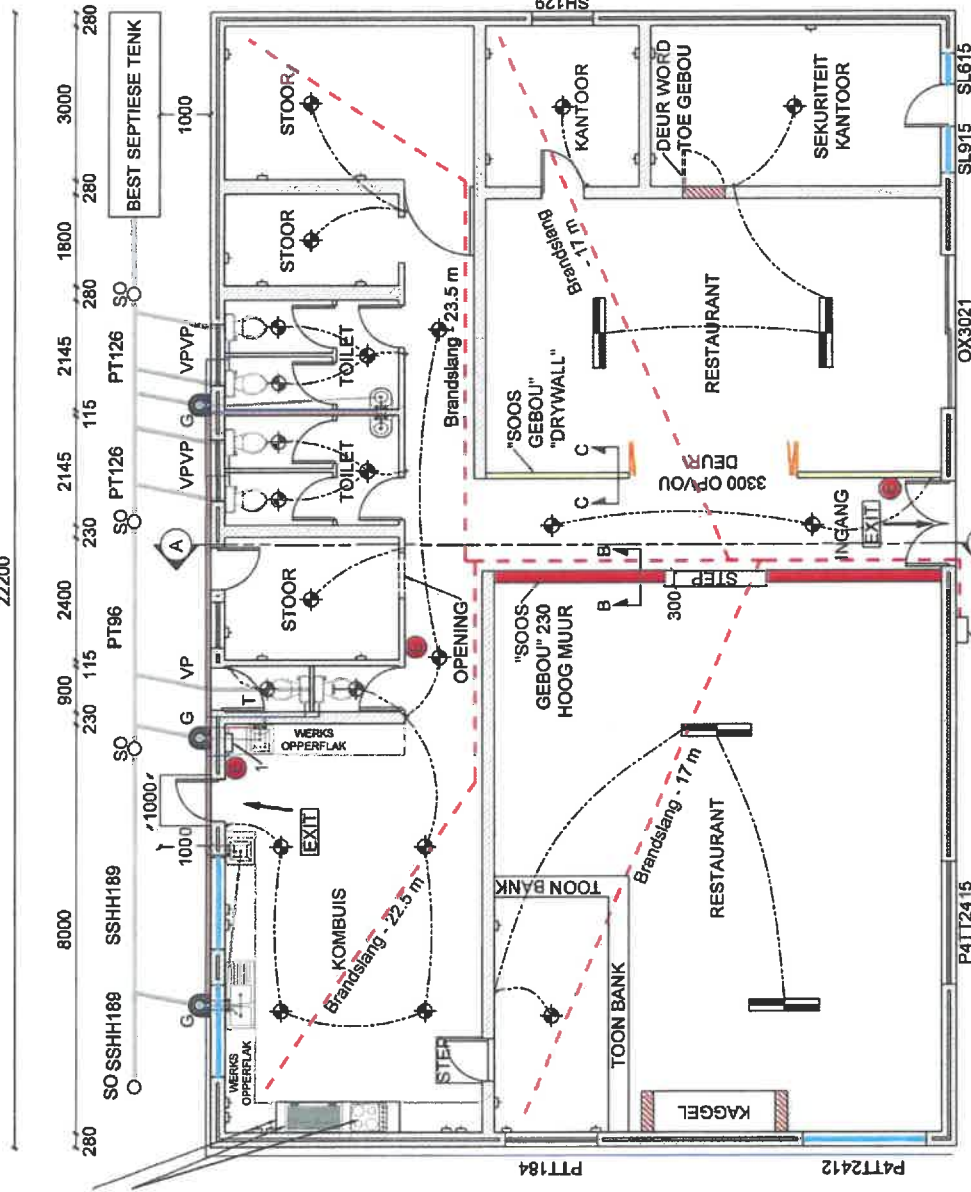
Color Index
 Nuwe Steenwerk
 Nuwe Beton
 Nuwe Staal/yster
 Nuwe Hout
 Nuwe Rookwerk
 Bestaande Werk



VOORGESTELDE "SOOS GEBOU" REGSTELLINGS VIR J.C. KOKEMOER OP ERF NO 639 GELEË TE PEARLY BEACH

NOTA:
 Alarm stelsel vir Brandvoorkoming volgens SANS 104000 - T seksie 4.31.5 Tabel 10 vir A1 okkupasie. Installasie volgens sans : 10139

EXTRACTOR HOOD
 4.5KG DRY POWDER FIRE EXTINGUISHER
 Gas Stoof & braai met 9KG gas bottle volg. SANS 10087 - fig. 4



VLOER PLAN
 SKAAL 1:100

ELEKTRIESE BELIGTING
 Binne Ligte 19 x 4 W = 76W
 Buite Ligte 0 x 7 W = 0W
 Fluoreserende Ligte 4 x 35W = 140W
TOTAL W = 216W
TOTAL W/m²
 216 W / 323.23 m² = 0.67 w/m² = less than 5w/m²

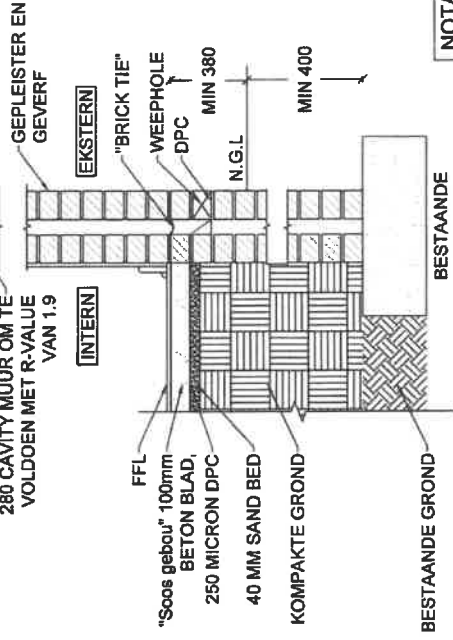
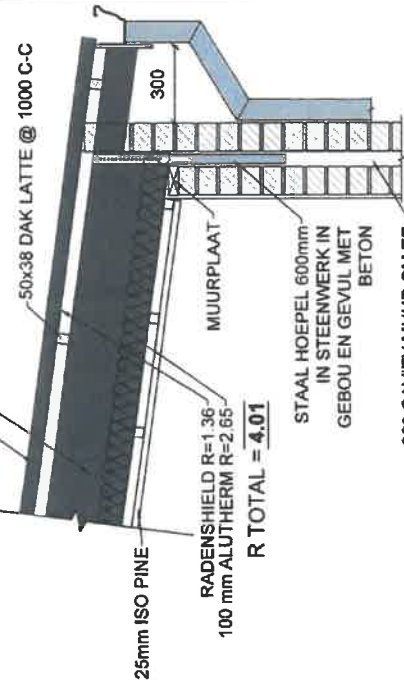
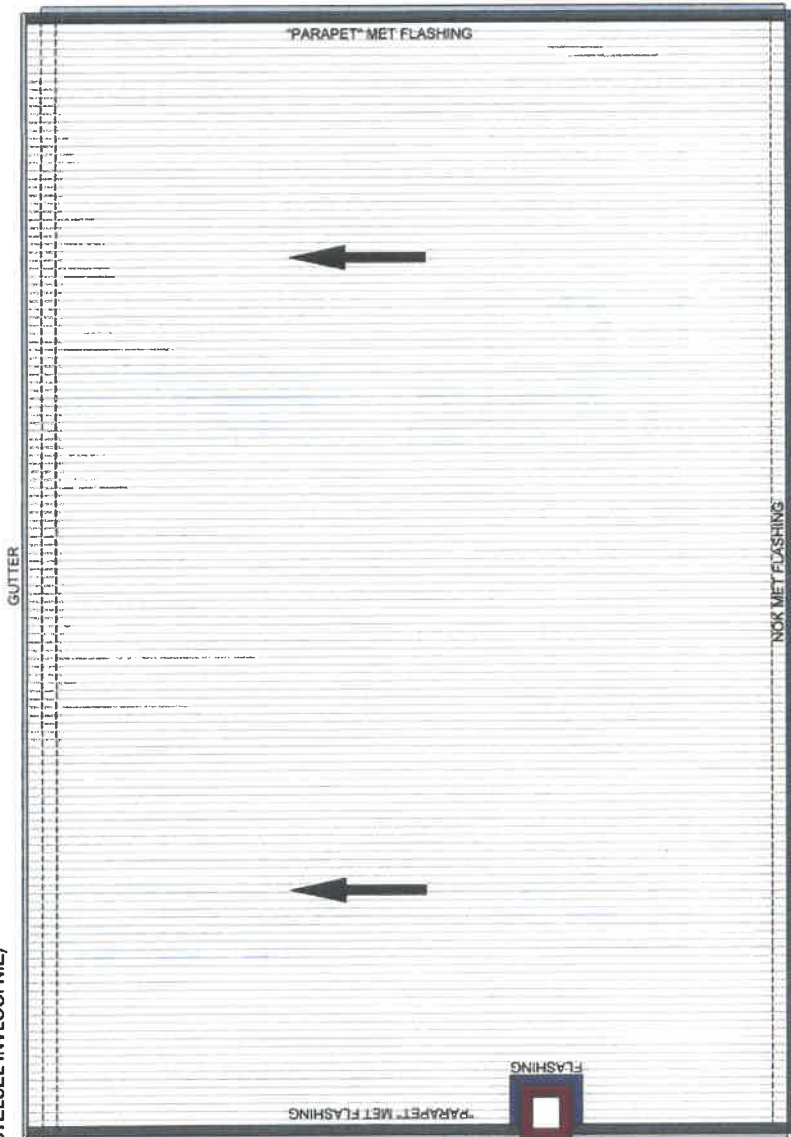
Electrical Legend
 Muur lig (11w MF)
 Deur lig (11w MF)
 Fluoreserende Lig (Double 4F)
 Verspreidingsbord
 Kragpunt
 Stroomafbreek
 Ligkabelaar (1.2 of 3)

The Design work shown on this drawing is copyright, and may not be used, copied or reproduced in any way without the written consent of the designer

NOTE:

REENWATER / STORMWATER MOET 1.5m WEG VAN GEBOU AF
GELEI WORD IN N BETON KANAAL (WATER MAG NIE IN
RIOOLSTELSEL INVLOOI NIE)

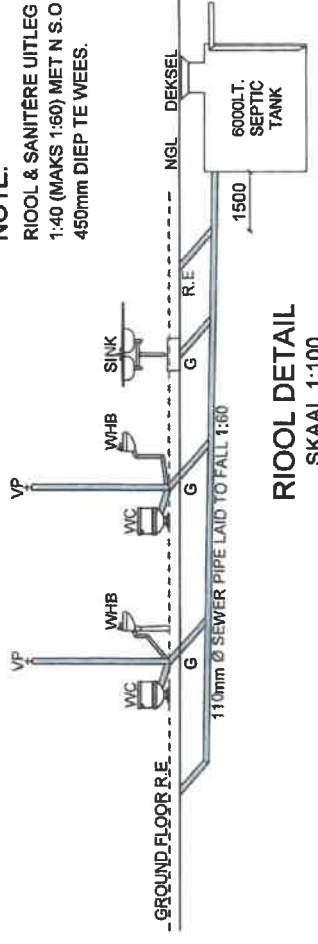
VOORGESTELDE "SOOS GEBOU" REGSTELLINGS VIR
J.C KOEKEMOER
OP ERF NO 639 GELÊE TE PEARLY BEACH



DETAIL G & H
SKAAL 1:20

NOTA:
ALLE HOUT MOET
BEHANDEL WEES
EN VOLGENS
REGULASIES VAN
SANS 10082 EN
0163

NOTE:
RIOOL & SANITÊRE UITLEG - 110mm P.V.C RIOOL PYP VAL
1:40 (MAKS 1:60) MET N.S.O ELKE 12m. SLOOT OM MINIMUM
450mm DIEP TE WEES.



RIOOL DETAIL
SKAAL 1:100

PAGE 05 OF 06
EIGENAAR: J.C. KOEKEMOER
J.J. van der Nest
ARGITEKTONIESE
DIENSTE
SACAP REG. (PAD 2730)
J.J. van der Nest
Blesboekstraat 3
Kleinbaai, 7220
Tel: 082 486 8580
E-MAIL:
VanDerNest@johann@gmail.com
GETEKEN:
DATUM:
TEK NO.: JJ 44/23

MUNISIPALITEIT OORSTRAND
MUNICIPALITY
PO BOX 20
HERMANUS
7200
Tel: 028 313 3779
FAX: 028 313 3193

Date: 09 JAN 2024

FIRE BRIGADE/BRANDWEEER
APPROVER/GOEDGEGEKEUR

Building Plan No. **14632** is recommended for approval in terms of the National Building Regulations and Building Standards Act No. 103 of 1977 and all other applicable law by the Building Control Officer.

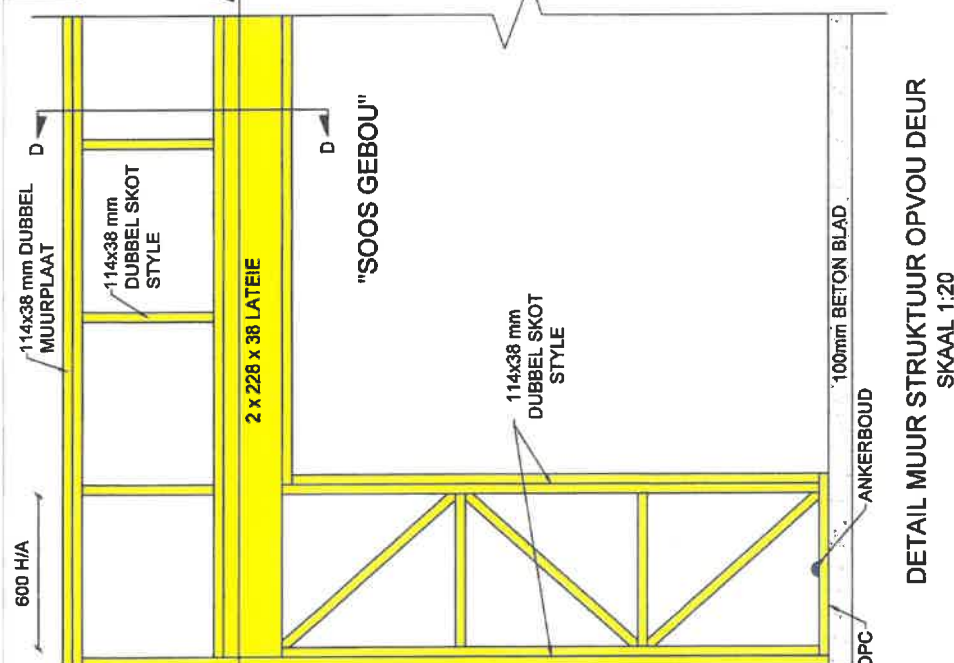
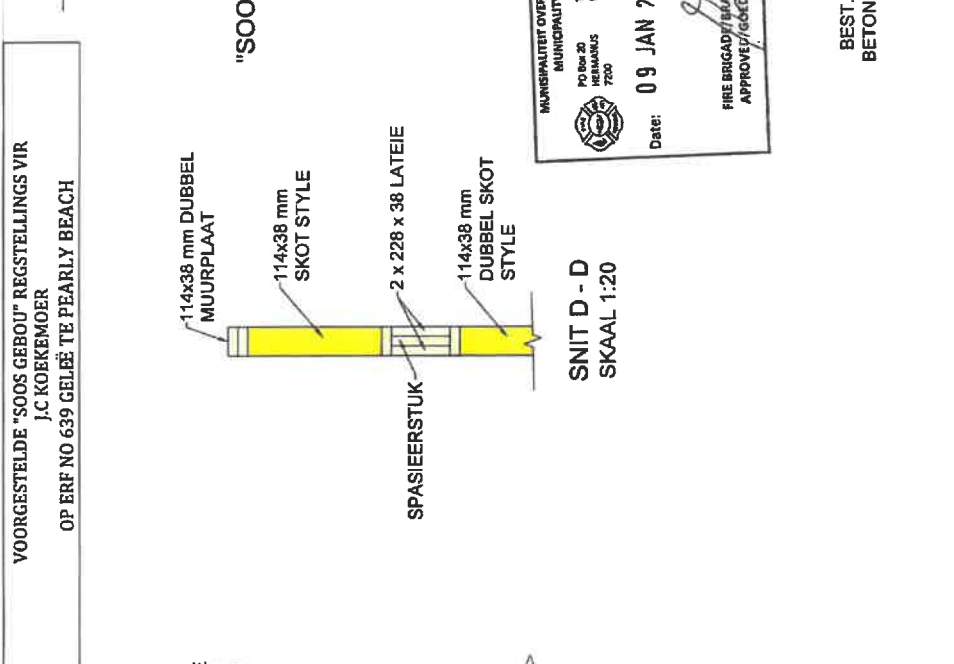
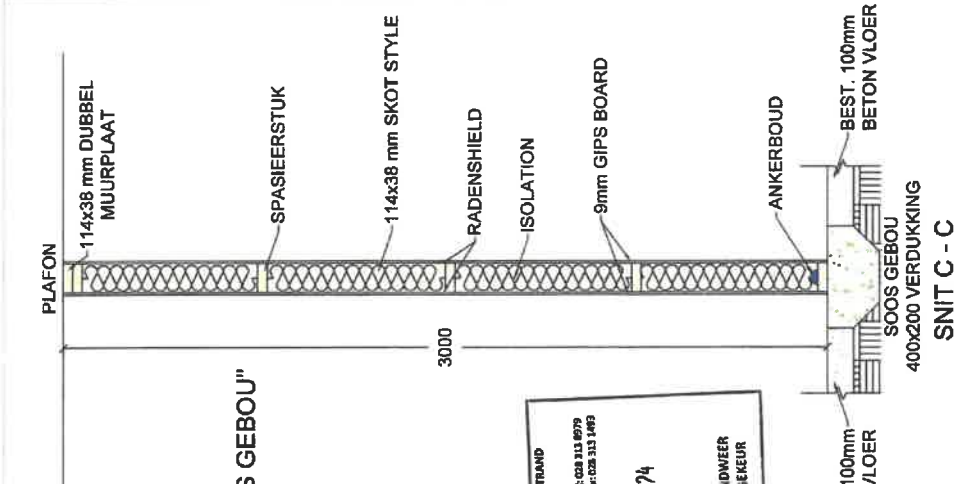
Date: 17 JAN 2024

Approved in terms of the National Building Regulations and Building Standards Act No. 103 of 1977 and all other applicable law by the Manager, Building Control

17 JAN 2024

5/6
STAMPS

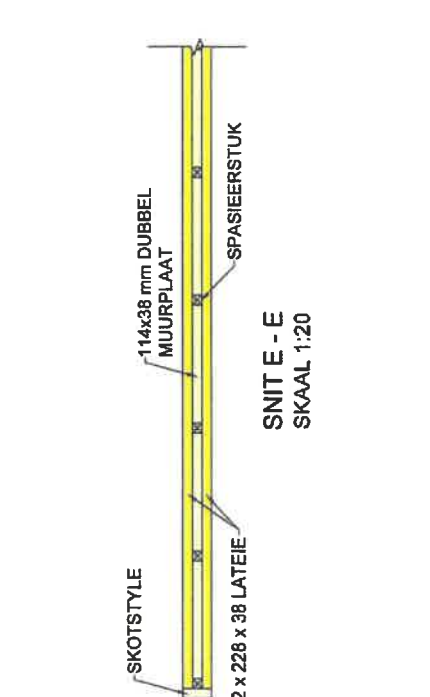
PAGE 06 OF 06
 EIENAAR: J.C. KOEKEMOER
 J.J. van der Nest
 ARGITEKTONIESE DIENSTE
 SACAP REG: (PAD 2730)
 J.J. van der Nest
 Bloekstraat 3
 Kleinbaai, 7220
 Sel: 082 466 8580
 E-MAIL: VanDerNestJobanna@gmail.com
 GETEKEN: *[Signature]*
 DATUM: 11.2023
 TEK N°: JJ 44/23
NOTA:
 Alle backkamer venster om "opaque / obscure" te wees. Venster inatelliasie om te voldoen aan
 • SANS 10137
 • SANS 10400 N
 • SANS 1263 - 1
 • 375 Micron DPC om tussen alle venster en deur openinge te kom.
 Vensterbanke met n 10" val moet gebou word aan buite kant van woning.
 Spesialis spesifisasies geniet voorkeur bo plan besonderhede. Alle veiligheidsglas moet met veiligheidsmerk gemerk word



VERSTRAAND MUNICIPALITY
 Building Plan No. 11423 is recommended for approval in terms of the National Building Regulator's and Building Standards Act No. 103 of 1977 and all other applicable laws by the Building Control Officer.
 Date: 17 JAN 2024
 Approved in terms of the National Building Regulations and Building Standards Act No. 103 of 1977, and all other applicable laws by the Building Manager: Building Control
 Date: 17 JAN 2024

VENSTER & DEUR SKEDULE

NOORD AANSIG XA - NA	SUID AANSIG XA - NA	WES AANSIG XA - NA	TOP OF WINDOW (T.O.W.) DEURE XA-NA
SSHH189 WINDOW: ALUMINIUM AREA - 1.62 m ² GLASS - SINGLE CLEAR SAFETY MARK	SL915 WINDOW: ALUMINIUM AREA - 0.9 m ² GLASS - DOUBLE CLEAR SAFETY MARK	SL615 WINDOW: ALUMINIUM AREA - 0.9 m ² GLASS - DOUBLE CLEAR SAFETY MARK	3300 INTERIOR DOOR DOOR WOOD-SOLID AREA - 9.66 m ² X1
900	900	2400	400
1800	1500	1200	1200
600	600	400	400
SL615 WINDOW: ALUMINIUM AREA - 0.9 m ² GLASS - DOUBLE CLEAR SAFETY MARK	SL615 WINDOW: ALUMINIUM AREA - 0.9 m ² GLASS - DOUBLE CLEAR SAFETY MARK	PATT2412 WINDOW: ALUMINIUM AREA - 2.88 m ² GLASS - DOUBLE CLEAR SAFETY MARK	
X2	X1	X1	X1



STAMPS

301
RENNIE
KONTREINER

FTE
P. DEO, CC.

BC
GEKANSLEEL
CANCELLED
REGISTRATEUR/REGISTRAR
08 SEP 2021

Opgestel deur my
TRANSPORTBESORGER
A G VAN DER SPUY

W.C.P

VERBAND MORTGAGED	
VIR FOR R 300 000,00	
B 080012424 / 2007	<i>[Signature]</i> REGISTRATEUR/REGISTRAR
2007-02-12	

* Original

T 000036447 / 2005

TRANSPORTAKTE

HIERBY WORD BEKENDGEMAAK

DAT

JOHN VAN DREDA LOUV

voor my, Registrateur van Aktes verskyn het te Kaapstad hy, die genoemde komparant synde
behoorlik daartoe gemagtig deur 'n volmag aan hom verleen deur

LIONEL ELI SIMON

Identiteitsnommer 420125 5032 08 8

Getroud buite gemeenskap van goedere

gedateer die 12 de Januarie 2005 te Gansbaai;

20 JAN 2005

2

En genoemde Komparant het verklaar dat sy prinsipaal voormeld die hiernavermelde eiendom verkoop het aan die hiernavermelde transportnemer op 22 STE SEPTEMBER 2004 en dat hy in sy voornoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van

JOHANNA CORNELIA KOFKEMOER

Identiteitsnommer 590830 0063 08 7

GETROUD BUIITE GEMEENSKAP VAN GOEDERE

haar Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes;

In volkome en vrye eiendom;

Een halwe (½) aandeel in Erf 639, Pearly Beach, geleë in die Munisipaliteit Overstrand, Afdeling Bredasdorp, Provinsie Wes-Kaap;

GRROOT: Vyfhonderd Vyf en Vyftig (555) Vierkante Mëter;

OORSPRONKLIK getransporteer kragtens Transportakte Nr. T58877/1984 met Kaart Nr. S.G. 10808/84 wat daarop betrekking het en

BESIT: kragtens Transportakte No. T8833/1991:

- A. **ONDERHEWIG** aan die voorwaardes verwys na in Transportakte Nrs. T6412/1910 en T5397/1917.
- B. **ONDERHEWIG VERDER** aan die voorwaardes vervat in Transportakte Nrs T6412/1910 en T5397/1917 met betrekking tot die voorbehoud ten gunste van die Staat van regte op myne van goud, silwer en edelgesteentes verwys na in Artikel 4 van die proklamasie van Sir John Cradock gedateer 6 Augustus 1813.
- C. **ONDERHEWIG VERDER** aan die volgende voorwaardes vervat in Transportakte Nr. 58877/1984 opgelê deur die Administrateur van die Provinsie Kaap die Goeie Hoop in terme van Ordonnansie Nr. 33 van 1934, op goedkeuring van die gemelde Dorp:

1
3

f.

1. Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them: by the regulations published under the Provincial Administration Notice No 401 dated 17th October 1935 and in the memorandum which accompanied the said regulations.
2. The owner of this erf shall without compensation be obliged to allow electricity and water mains and the sewage and drainage including stormwater of any other erf or even within or without this subdivision to be conveyed across this erf if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time in order to construct, maintain, alter, remove or inspect any sewer, manhole, channel, conduit or other works pertaining thereto.
3. The owner of this erf shall be obliged without compensation, to receive the material or permit excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.
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 restrictions 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;
 - (b) it shall be used for shop purposes only;
 - (c) not more than two-thirds of the area thereof shall be built upon;
 - (d) no building or structure or any portion thereof except boundary walls, fences, verandahs and balconies shall be erected nearer than 2,36 metres to the street line which forms a boundary to this erf.

|

/

Y.

Aldus gedoen en verly op die kantoor van die Registrateur van Aktes te KAAPSTAD op die
12^e dag van **MEI** in die jaar TWEEDUISEND EN VYF (2005)

in my teenwoordigheid,



REGISTRATEUR VAN AKTES.



g.g

VA 000004971/2021
Certified a true copy of the duplicate original
filed of record in this Registry. issued to serve
in place of the original thereof under the
provisions of Deeds Regulation No 68.
Deeds Registry
Cape Town
[Signature]
08 SEP 2021
ASST REGISTRAR OF DEEDS

D. ONDERHEWIG VERDER aan die volgende voorwaardes opplê deur Pearly Beach Strandoord (Proprietary) Limited, as eienaar van die oorblywende erwe in die Dorp van Pearly Beach kragtens voormelde Transportakte Nr. T17254/1963 vir die voordeel van die Maatskappy en hul opvolgers in titel tot enige erwe in die gemelde Dorp, vervat in Transportakte Nr. T58877/1984:

1.
2. The registered owner or any occupant of the said land shall not permit or suffer to be erected or displayed thereon any hoardings or advertisements whatsoever except only a bona fide notice that the property is for sale, and any sale or dealing in intoxicating liquor in the said land is likewise prohibited.

Weshalwe die Komparant afstand doen van al die regte en titel wat die Transportnemer voorheen op genoemde eiendom gehad het en gevolglik ook erken dat die Transportgewer geheel en al van die besit daarvan onthef en nie meer daaroe geregtig is nie en dat, kragtens hierdie akte, bogenoemde Transportnemer sy Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en ten slotte erken hy dat die volle koopsom ten bedrae van TWEEHONDERD DUISEND RAND (R 200 000.00) behoorlik betaal of verseker is.

Ten bewyse waarvan ek, genoemde Registrateur van Aktes tesame met die Komparant hierdie Akte onderteken en dit met die ampseël bekragtig het.

~~Aldus gedoen en verly op die kantoor van die Registrateur van Aktes te Kaapstad op~~
~~2005.~~

~~In my teenwoordigheid,~~

~~g.g.~~

REGISTRATEUR VAN AKTES

ERF 639, PEARLY BEACH: OBJECTIONS RECEIVED

ERF NUMBER	ADDRESS	EMAIL	Date Rec	Collab
395	LM Potgieter 23 Ridge Way PERALY BEACH 7220	Michcam13@gmail.com	12/11/2024	2425832
463	St-John Salisburh 132 Broadway PEARLY BEACH 7220	St-john@etds.co.za	12/11/2024	2425795
No erf no. for street address available	P Dolinschek 9 Neetling Street PEARLY BEACH 7220	Pauline.dolinschek@gmail.com	12/11/2024	2425773
28	JS Price 15 Cornuta Avenue TOKAI 7945	john@jpautos.co.za	12/11/2024	2425830
472	BJ & ME Karsten 4 Nicolyn Avenue Ruiterhof Ext 1 2194	Rethak68@gmail.com	12/11/2024	2383049
529	MJ & M van Deventer 80 Arcadia Street PEARLY BEACH 7220	Martinus.j.van.deventer@gmail.com	12/11/2024	2383046
324	C de Wet Bomear Road 14 Tijgerhof KAAPSTAD 8000	charl.dewet@westerncape.gov.za	12/11/2024	2383044
551	JC & ME Beukes & J van Rensburg 79 Arcadia Street PEARLY BEACH 7220	lizmajyr@yahoo.com	12/11/2024	2425584
473	EJ Kellerman (du Plessis) PO Box 710 GANSBAAI 7220	eben@rustenburgherald.co.za	12/11/2024	2383034
72	MS Ramsay 41 Crescent Street PEARLY BEACH 7220	Markkus9959@gmail.com	13/11/2024	2425995
1634	JM Gerber 4 Lente Street Kirstenhof RETREAT 7945	johann@nevillesmobileservices.co.za	13/11/2024	2426055
586	Marie Mutlow 3 Makou Street Randpark Ridge JOHANNESBURG 2154	Marie.mutlow@gmail.com	13/11/2024	2426006
586	C Mutlow 3 Makou Street Randpark Ridge JOHANNESBURG 2154	Marie.mutlow@gmail.com	13/11/2024	2426011

586	W Mutlow 3 Makou Street Randpark Ridge JOHANNESBURG 2154	Marie.mutlow@gmail.com	13/11/2024	2426019
586	Marcel Matlow 3 Makou Street Randpark Ridge JOHANNESBURG 2154	Marie.mutlow@gmail.com	13/11/2024	2426029
264	AJ & LM Meyer 40 Kenilworth Road KENILWORTH 7708	ajmeyer72@gmail.com	13/11/2024	2426031 2426072
373	E van Aswegen 7 Ridge Way PEARLY BEACH 7220	elmarieva66@gmail.com	13/11/2024	2468846
488	M Oberholzer PO Box 21 PEARLY BEACH 7220	Connor.carol4@gmail.com	13/11/2024	2426096
172	N & TE Botes 39 Windmeul Street BRACKENFELL 7560	t.botes@mweb.co.za	13/11/2024	2468833
No erf no or address provided	Karin Wiss	karinwiss@sun.ac.za	13/11/2024	2468803
No erf no or address provided	Wendy	Artbywendy007@gmail.com	13/11/2024	2426063
290	Deja View Trust c/p R Ritchie PO Box 353 ST FRANCIS BAY 6312	raymondritchie20@gmail.com	13/11/2024	2468794
183	C Louw PO Box 134 DURBANVILLE 7551	chrizellelouw.cl@gmail.com	14/11/2024	2468759
322	L Britz 57 Central Street PEARLY BEACH 7220	micmatgifts@yahoo.com	14/11/2024	2469124
No address or erf number	M Swanepoel	Swanepoelmartin765@gmail.com	14/11/2024	2469138
No address or erf number	E Wichmann Heath	elna@adminfanatic.com ,	14/11/2024	2511824
172	N & TE Botes 39 Windmeul Street BRACKENFELL 7560	neilbotes@mweb.co.za	14/11/2024	2511680

84	L Swart 20 Crescent Street PEARLY BEACH 7220	lynneswart@gmail.com	14/11/2024	2469131
No erf no or address provided	R Nel	roneln@yahoo.com	14/11/2024	2468814
	A Kluson PO Box 394 DOUGLASDALE 2165	annie@red2green.co.za	14/11/2024	2511832
508 & 509	MJ Schutte 21 Camp Street PEARLY BEACH 7220	meryljschutte@gmail.com	14/11/2024	2511715
1567	Villa Magna Trust c/o P Whitehouse 28 Pearson Road EVERTON 3610	pete@ca.co.za	14/11/2024	2469126
46	LM van Rooyen Andante Aftree- Oord 40 52 Fisant Street KUILSRIVIER 7580	pcvanrooyen1965@gmail.com	16/11/2024	2555494
349	PJ & M Theron 4 Ridge Way PEARLY BEACH 7220	theronmarlyn@gmail.com	16/11/2024	2555428
168	DJH & AME Smith 4 Steep Street PEARLY BEACH 7220	magdaderek@gmail.com	17/11/2024	2555406
110	K Brits 10 Broadway Street PEARLY BEACH 7220	Krisnas.salon@gmail.com	18/11/2024	2555440
459	NS & W van Rensburg 44 Arcadia Street PEARLY BEACH 7220	wernadinevanrensburg@gmail.com	18/11/2024	2555412
No address or erf no.	S Mac Mahon	Shirleymacmahon039@gmail.com	18/11/2024	2555417
1879	WFL & AA Spangenberg PO Box 935 GONUBIE 5257	Wilhelm.spangenberg@gmail.com	18/11/2024	2555434
313	DJ Manoek 2 Gelder Close MARINA DA GAMA 7945	donovan@tomea.co.za	18/11/2024	2555614
54	DSB Churchman PO Box 233 GRABOUW 7160	duncan@braeview.co.za	18/11/2024	2556013

619	SJ & I Munro 12 Aberfedly Road NORFOLK PARK 7945	Ingridm2010@gmail.com	19/11/2024	2557052
498	Al Hartman PO Box 124 PEARLY BEACH 7220	ivyhartman@gmail.com	19/11/2024	2556677
275	MAW & MJ Prinsloo 43 Central Street PEARLY BEACH 7220	prinsloomaw@gmail.com	20/11/2024	2557379
No address or erf no.	B Strydom	brendzds@gmail.com	20/11/2024	2557405
617	CP & ML Boltman 10 Monitoba Road Coniston Park STEENBERG 7945	marion@publishsa.co.za	21/11/2024	2558094 2556661
631	PM & N Morris 2 Kortmark Street PEARLY BEACH 7200	Pmm07@yahoo.com	24/11/2024	2559205, 2573641
288	Ludik Family Trust C Ludik 7 Buren Street PAROW 7500	ludikcharmain@gmail.com	24/11/2024	2559206
98	LA Alberts PO Box 240 DE DOORNS 6875	Lee-AnneA@Nedbank.co.za	25/11/2024	2559208
574	D Staal 12 Loop Street PEARLY BEACH 7220	dirkstaal66@gmail.com	25/11/2024	2560131
436	DA Schneeberger 50 Rotterdam Street MONTE VISTA 7460	David.schneeberger1@gmail.com	25/11/2024	2559887
353	A Mclean PO Box 572 GANSBAAI 7220	fifileigh@iafrica.com	25/11/2024	2560146
	Elrina Versfeld PO Box 60 PEARLY BEACH 7221	elrnaversfeld@gmail.com	26/11/2024	2560272
	Pearly Beach Conservancy PO Box 60 PEARLY BEACH 7221	pbconservancy@gmail.com	26/11/2024	2560276
306	WJ Richter 41 Twist Street PEARLY BEACH 7220	Botes.bernice1@gmail.com	26/11/2024	2560688
306	WJ Richter 41 Twist Street PEARLY BEACH 7220	willie.richter@gmail.com	26/11/2024	2560679

397	J & D Janse van Vuuren 19 Ridge Road PEARLY BEACH 7220	dorothyjvv@gmail.com	26/11/2024	2560677
1941	ME Section 15 Ridgeway PEARLY BEACH 7220	Meyerdawn412@gmail.com	27/11/2024	2562054
2052	CD Miller PO Box 130 PEARLY BEACH 7220	Blouhemel1@yahoo.co.uk	27/11/2024	2562063
598	AP Moller 4 Cross Street PEARLY BEACH 7220	toksmol@gmail.com	02/12/2024	2565045
1948	Hilary Churchman PO Box 233 GRABOUW 7160	duncan@braeview.co.za	03/12/2024	2565057
1628	S Gouws 40 Oranje Street PEARLY BEACH 7220	Sallygouws1@icloud.com	04/12/2024	2565824
1645	G & A Henrici PO Box 47 PEARLY BEACH 7220	henrici@xsinet.co.za	09/12/2024	2568720
184	GP & J Scheltens 107 Keurboom Street Protea Heights BRACKENFELL 7560	philip@therenuvators.co.za	09/12/2024	2569644
1763	SE Swart PO Box 1047 GANSBAAI 7220	Fcbeach1@gmail.com	09/12/2024	2568624
553	BC & AC Hutchinson PO Box 131 PEARLY BEACH 7220	adrishutch@gmail.com	11/12/2024	2570302
374	JHJ & M Louw PO Box 62 PEARLY BEACH 7220	rietgansii@gmail.com	11/12/2024	2571373
1867	A Wenteler PO Box 37 GANSBAAI 7220	Awenteler22@gmail.com	15/12/2024	2572568
575	A Booysen 14 Loop Street PEARLY BEACH 7220	annafmarie@gmail.com	15/12/2024	2572604
1867	Dr GL & Mrs SJ Wenteler PO Box 37 GANSBAAI 7220	sophie@xsinet.co.za	18/12/2024	2573648

1781	Dudley Coetzee Po Box 53 PEARLY BEACH 7221	Dudley.coetzee@vodamail.co.za	18/12/2024	2574202
47	K Gumbrill PO Box 73 PEARLY BEACH 7221	litekarinsfire@gmail.com	18/12/2024	2574169
404	EA Binedell 17 Proteapad 17 BRACKENFELL 7560	Deon.duplessis@seeff.com	19/12/2024	2574525
1740	L & S Abrahams 17 Protea Street PEARLY BEACH 7200	sportsrap@cybersmart.co.za	17/12/2024	2573023
344	PG Reyneke 21 Scorgie Street Baillie Park POTCHEFSTROOM 2531	Reynekep.witrivier2@gmail.com	19/12/2024	2575183
	Pearly Beach Ratepayers Association PO Box 773 GANSBAAI 7220	shirdu@vodamail.co.za	20/12/2024	2575174
231	K Martin PO Box 121 GANSBAAI 7220	themartins@orcapos.co.za	19/12/2024	2575162
1699	EH Basson PO Box 111 PEARLY BEACH 7221	hebasson@gmail.com	19/12/2024	2575151
231	I Martin PO Box 121 GANSBAAI 7220	themartins@orcapos.co.za	19/12/2024	2575153
1830	Sunshine Street Investments Attention: M Baleta PO Box 13 STANFORD 7210	magsbaleta@gmail.com	19/12/2024	2575176
1762	SA & AM Thomson PO Box 118 PEARLY BEACH 7221	stuartthomsonretired@gmail.com	19/12/2024	2575219
336	PP & VE Burton- Moore 13 The Circle PEARLY BEACH 7221	pburtonmoore@gmail.com	20/12/2024	2575198
612	L Ofchinsky & L Shapiro 10 Kerk Street PEARLY BEACH	laurens@yebo.co.za	20/12/2024	2575163

	7220			
1870	M Wessels 115 Charlie van Breda Drive PEARLY BEACH 7221	Mwesseml2@gmail.com	20/12/2024	2575165
274	H & I Tiggelman 45 Central Street PEARLY BEACH 7221	henktiggelman@gmail.com	20/12/2024	2575194
583	C Keyser 215 Elizabeth Street CENTURION 0157	Chrisksr44@gmail.com	20/12/2024	2575188
530	J Visser 21 Loop Street Pearly Beach GANSBAAI 7220	Joyanne.visser454@gmail.com	20/12/2024	2576417
1865	I Aldridge 125 Charlie van Breda Street Pearly Beach GANSBAAI 7220	irene.aldridge@icloud.com	20/12/2024	2576435
338 & 339	C & L Muntingh 9 The Circle Pearly Beach GANSBAAI 7220	healthwaysorders@gmail.com	20/12/2024	2576439
511	HS & MJ du Plessis 32 Flambeau Street COURTRAI 7646	cazz@vodamail.co.za	20/12/2024	2576449, 2576452
2482	RC Rippon 11 Wanderers Crescent Pretorius Park Ext 6 JOHANNESBURG 0081	Richard.rippon1@gmail.com	20/12/2024	2576479
555	OJ & JE Nel 71 Arcadia Street Pearly Beach GANSBAAI 7220	neljoye@gmail.com	20/12/2024	2576484
512	HA Keyser 13 Camp Street Pearly Beach GANSBAAI 7220	Chrisksr44@gmail.com	20/12/2024	2576513
572	Big Five Trust Mrs Stickling 23 Loop Street Pearly Beach GANSBAAI 7220	daleenstickling@yahoo.com	20/12/2024	2576454

LETTERS OF SUPPORT

590	NP de Blocq 62 Alpina Road CLAREMONT 7708	ntdeblocq@gmail.com	14/11/2024	2468841
515	M & T Bredenkamp 12 Adderley Street WORCESTER 6850	mbredenkamp@vinetmail.co.za	13/11/2024	2426086
471	CJ Schutte 148 Broadway Street PEARLY BEACH 7220	admin@lincorverkoeling.co.za	14/11/2024	2511811
263	A & R Greef 21 Twist Street PEARLY BEACH 7220	andrew@andrewgreeffarchitects.co.za	20/11/2024	2557402

LATE OBJECTION

1762	SA Thomson 14 Main Road Pearly Beach GANSBAAI 7210	stuartthomsonretired@gmail.com	07/01/2025	2584045
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OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
07 JAN 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP- A Theart
(S vld Merkle)



Stuart Alan Thomson 14 Main Road, Erf 1762, Pearly Beach

5 January 2025

Experiences, Observations, Concerns and Communications around my 19 Dec. 2024 submission of Objections to the Removal of RTD Conditions & Consent Use Changes for premises Erf 639, 9 Law Street, Pearly Beach (Mrs J.C. & Mr J.J. Koekemoer)

1. Introduction, Dr Annelie Rabie (AR): My prior communications, besides my submission to Snr. Town Planner, were forwarding same to the Executive Mayor for her personal attention and likewise the Municipal Manager, with short e-mail messages, to which Ald Rabie responded (Fri, 20 Dec 2024 at 13:05): *"I acknowledge receipt of your email, the content of which I have noted. Your communication was forwarded to the MM and Mr Riaan Kuchar the Senior Official responsible for Town planning. I have to stand a little out of the water with this one Mr Thomson as I am the final appeal authority on land-use appeal applications and cannot be seen to have been involved in any of the front-end work"*.

2.a. Introduction, Dr Dean O'Neil (DON): My short e-mail message (Fri, 20 Dec 2024 at 10:17) read as follows: *"I addressed the attached submission to both you and the Snr. Town Planner, but due to essential, yet extensive extraneous material requiring your attention and oversight of those aspects dealing with policy matters and statutory and by-law violations outside of the scope of the STP's jurisdiction, other than critical factual omissions required to enable that department to execute its mandate in evaluating both the applicants motivations and my objections to their proposals"*.

2.b. "I would appreciate your perusal hereof for your own information, consideration, input and advisement, in the hope that the legal issues can be dealt with internally to my

FILE NO. Erf 639 -GPB
SCAN NO.
COLLABORATOR NO.
2584045

- 7 JAN 2025

reasonable satisfaction so as to avoid unnecessary protracted escalation to Provincial and National government and or Chapter 9 Institutions".

2.c. Please engage with me and the Sr. Town Planner as soon as you are able, timeously enough to have oversight over your competencies in this matter to exercise any due management in the evaluation of objections and decision processes so as to avoid the mistakes of the past that stress this community so harshly as result of earlier incompetence or whatever factors were at play".

3.a. Introduction, Mr Riaan Kuchar (RK): (Kindly advise me who the cc [blomrug@gmail](mailto:blomrug@gmail.com) is)

3.b. Dear Messrs. Kuchar (and O'Neill). Besides the abovementioned exchanges and my Submission of Objections iro abovementioned Application, which are self-explanatory, I respectfully request that after your timeous perusal thereof, you consult with each other and formulate preliminary responses, according to your own individual competencies and communicate with me in writing (unless you have any early queries that might be better clarified by preliminary telephonic exchanges) to enable me to gauge which way the wind is blowing on the several rather serious matters raised in my submission, which is meticulously numbered and subsectioned to facilitate check-listing and allocation of competencies between you, remaining mindful of the necessary oversight sought by myself.

3.c. **Personal Computer Crash & Related Challenges.** I nearly missed the opportunity to raise objections to the Application, firstly since it was pure fluke that I got to learn of the notice first-hand via social media; and secondly because my PC crashed on attempted starting the morning of Monday 16 December 2024. I phoned Mr S. van der Merwe first thing, to request an extension of time and was informed that he was already on leave. Problematically, Alida Conradie summarily dismissed any possibility of an extension, despite forwarding evidence to support my predicament, the statement on the Notice to the effect that "the Municipality 'may' refuse to accept comment received after the closing date", and the fact that everyone would also be on leave until 6 January 2025. I had some backed-up work, but incompatibilities between Android and older MS Wordpad.

3.d. **Prejudice of My Right to Make Intended Complete Submission.** Due to Alida's autocratic refusal, I was again prevented from completing my mission in full. Moreover, since I now feared further calamity such as Internet failure, I submitted my compromised effort a day earlier to assure its timeous receipt before the deadline and could not risk muddling that by sending an update, by which time Alida too, was already on leave. I did later deem it necessary to assist the Snr. Town Planner with an explanation and X3 planned missing photos, since a picture is literarily worth a thousand words. I ask that you encourage all evaluators to avail themselves to this 23 December Appendix sent to Alida.

3.e. My Consolidated Submission. I request some leeway as a result of these obstacles and so have produced a Consolidated Submission incorporating both, along with the correction of several embarrassing spelling errors, since I did not have an opportunity to do so under pressure of time, and the PC I used to continue, had a damaged keypad, repeatedly dropping/duplicating letters. The Consolidated Submission is attached hereto with request that, as a courtesy, this be used by the respondents hereto, outside of the primary evaluation process, for consideration of the many inseparable extraneous matters raised therein, which errors need not be unnecessarily carried over into our deliberations.

3.f. Law Enforcement Considerations not included for said time and tech restraints. I request that the following be conveyed to the evaluators as requiring due consideration, since the Applicants relied so much on Municipal Oversight and Law Enforcement Agencies. The nearest police are 22km from Pearly Beach and even if they were willing to get involved, the delay is simply unrealistic to rely on the SAPS for assistance, especially given that at least some of the SAPS members apparently are allied to the drug, alcohol and Abalone smuggling associated with the other nefarious activities at 9 Law Street, Erf 639. Municipal Law Enforcement tend to knock-off at around 5 pm, and these problems must be factored-in, along with delayed allied ambulance and fire services. There are no litter bins along Law and Main and the litter team that used to clean up associated mess, no longer do.

3.g. Concerns Around Criminality by the Property Owners, Licensee and Municipality. I have raised several issues demanding investigation, legal remedies and enforcement. At 37.1 of my Submission, I stated that *"Already at least one fatality has arisen out of an altercation arising between two intoxicated young men at the bar at 9 Law street leading shortly thereafter to a high speed partial head-on single fatality collision between said patrons, in the Main Road between the village and R43 crossing"*.

3.h. It would be remiss of me to not caution you all, that this was quite likely a murder, with an attempted cover-up by the bar duty personnel, in cahoots with some SAPS members, who reportedly fudged/boched the case file, impeding further investigation. Apparently IPID and Mr. Ian Cameron are now involved and investigating, attempting to determine exactly what occurred in the bar and on the road, to restore public confidence.

3.i. I further caution you all, that any attempt to assist the post facto regularisation of the unlawful activities around the irregular Municipal mis-approval of the "Licensed Restaurant", will be deemed to be further compounding the historical abuses of privilege by the Municipality. I have done due diligence and I share my information freely. The Western Cape Liquor Authority are unable to provide me with documentation vested in the Municipality. Please be aware that I expect your co-operation regarding WCP No. 039289.

3.j. Enforcement Responsibility, Bill of Rights & Allied Constitutional Considerations.

63. Duties of applicant

- (1) The applicant must ensure that all information furnished to the Municipality is accurate.
- (2) The applicant must ensure that no misrepresentations are made.
- (3) The provision of inaccurate, false or misleading information is an offence as contemplated in section 84 (1)(e).

CHAPTER X ENFORCEMENT

83. Enforcement

- (1) The Municipality must comply and enforce compliance with—
 - (a) the provisions of this By-law;
 - (b) the provisions of a land use scheme;
 - (c) conditions imposed in terms of this By-law or any law repealed by the Land Use Planning Act; and
 - (d) statutory title deed conditions.
- (2) The Municipality may not do anything that is in conflict with Subsection (1).

84. Offences and penalties

- (1) Any person who—
 - (a) contravenes or fails to comply with Section 16(1), 16(5) and 84(2).
 - (b) fails to comply with a compliance notice issued in terms of Section 85;
 - (c) utilises land in a manner other than prescribed by a land use scheme;
 - (d) upon registration of transfer of the first land unit arising from a subdivision to a person other than a developer fails to transfer all common property, including private roads and private places originating from the subdivision to the owners' association;
 - (e) supplies particulars, information or answers in an application or in an appeal to a decision on a land development application, knowing it to be false, incorrect or misleading or not believing them to be correct;
 - (f) falsely professes to be an authorised employee or the interpreter or assistant of an authorised employee; or
 - (g) hinders or interferes an authorised employee in the exercise of any power or the performance of any duty of that employee.

is guilty of an offence and is liable upon conviction to a fine or imprisonment not exceeding a period of 20 years or to both a fine and such imprisonment.
- (2) An owner who permits land to be used in a manner set out in Subsection (1)(c) and who does not cause the use to be ceased or take reasonable steps to ensure that the use ceases, or who breach the provisions of a land use scheme, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding 20 years or to both a fine and such imprisonment.
- (3) A person convicted of an offence under this By-law who, after conviction, continues with the action in respect of which he or she was so convicted, is guilty of a continuing offence and liable upon conviction to imprisonment for a period not exceeding 3 months or to an equivalent fine or to both such fine and imprisonment, in respect of each day on which he or she so continues or has continued with that act or omission.
- (4) The Municipality may adopt an administrative penalty duly approved by the district courts within the Municipalities jurisdiction, to be imposed in the enforcement of this by-law.


OVERSTRAIC MUNICIPALITY
AMENDMENT BY-LAW ON MUNICIPAL LAND USE PLANNING, 2020
To regulate and control municipal land use planning.

3.k. Above are the Obverstrand Municipality's Duties of Applicant & Enforcement. This must be our 1st point of reference for all Duties and Responsibilities for all Parties. For me as an outsider, my 1st point of reference will be the Constitution of the Republic of South Africa. For this purpose, I have condensed the Supreme Law of the Republic into just four pages titled: "4 January 2025 Constitutional Considerations iro Objections - Overstrand Mun Notice No 180_20 - RRTDC_CU - 9 Law street _ Erf 639 _ Pearly Beach."

I have attached this as a pdf in the accompanying e-mail for authentic ease of reference.

My "Consolidated 19 Dec 2024 Stuart Thomson Objections to Removal of RTDConditions Erf 639 PB" is also attached as a pdf for your 'primary attention', since it all starts here.

3.l. Apparent Arrogant Municipal Disregard for National Liquor Norms & Standards These are attached also as a pdf titled "2015 National Liquor Norms and Standards with signatures and wierd Alan Winde Attitude". Pertinent text is highlighted for deliberation. Note Mr Winde's remarks next to his signature. Was this comment perhaps instrumental in the apparent disregard of this rather laudable National Government Policy instrument?

 NOTED BUT WE DO HAVE PROVINCIAL LEGISLATION THAT IS WITHIN OUR LEGISLATIVE COMPETENCY.
 MEC Alan Winde / ALSO AM NOT IN FAVOUR OF THE EXTRA BUD TAYE
 Western Cape BURDEN ON LEGITIMATE BUSINESSES
 16 11 2014

3.m. I think this an appropriate point to sign off myself (though I append a short Biography below so that I and my constitutional Social Origin clause are understood.

I thank you both for your kind attention to and open minded consideration of first my objections to Removal of Restrictive Title Deed Conditions/Consent Use Changes.

Kindly both acknowledge receipt hereof and provide me with due progress reports.

Yours faithfully



Stuart Thomson

3.n. Short selected Biography of Stuart Thomson as it relates to 'Social Origin'

My Grandfather was born on a ship from Scotland to Cape Town in 1901. He lived on the corners of Wrench and Main Roads, Observatory. My mother was a de Wet, from a fruit farm named Klein Kadryn, in Villiersdorp. I was born in Cape Town in 1954 to lower middle class parents. We lived in Falmouth Rd, Mowbray, and I was soon joined by two brothers.

When my Grandmother died, and her sister, my aunt was hastily abandoned by her Indian husband, a Mr Wazodin, returning to India due to the Nationalist Party's criminalising Mixed Marriages and Immorality Acts, my parents, along with my grandfather and my aunt consolidated and bought a bonded old farmhouse at No. 1 St James Street, Vredehoek.

I was in heaven up against the mountain slopes of Devil's Peak and overlooking the city. I attended Vredehoek Primary and later Cape Town High. This was our last family home together until I finished school and my voluntary extended military service, so as to dispense of the military for good, or so I thought. My formative years were spent in leisure adventuring on the mountain slopes and peaks. My family, Gramps and Aunt, were soon joined by my other aunt, my father's sister and her young daughter, jilted in pregnancy.

My first real friendships with people of colour was on meeting the first 'bergies' who resisted forced removal from District 6 at that time. They slept in the nearby tunnels of the quarry and tin mines. I forged quite deep bonds with several dagga smokers, since I found them to be more docile and charming than the bergies who became intoxicated with liquor. In particular, I found myself under the political tutelage of one John, who used to be a community leader in District 6, where we would visit some of his friends not yet forced out. This is where I first smoked dagga, now holy weed, a revered as a medicament.

By the time I entered high school, I had formed a local rock band as a drummer and experimented with the mind expanding drug LSD. I was becoming increasingly anti-establishment, appalled by the petty discipline at school and mid-year in Std 7, after the school holiday, decided to run away to join the hippies in the Knysna forests. The cops picked me up hitch-hiking in Somerset West and I was expelled from Cape Town High. The only school that would take me mid-year, was Queenspark High in Woodstock. I loved it, reunited daily with mixed race rebellious kids of all types, was exhilarating in comparison.

Around this time I entered first political activism against the Nats, agitating and seeking refuge from the Riot Police in St Georges Cathedral during protests upon being inspired by the Cape Times reportage on Steve Biko's murder by the Nat's security police and all of

the unrest in the country, later becoming a political campaigner against the Nationalist Government under my then hero and mentor, the Progressive Party's leader, Mr. Colin Eglin.

After military service, I became a vegetarian under influence of befriended naturopaths, a raw foodist and eventually fruitarian, still my main dietetary today, since it kills no life at all, other than a few insects from pesticides during fruit husbandry. I had left home by then and formed a hippy commune in a condemned house in lower Mynard Street, which was then still a a mixed predominantly coloured neighbourhood, akin to former District 6.

I next moved to Pearly Beach to live in my Dad's bungalow, so as to avoid distractions and complete my UNISA studies (Philosophy, Logic, Psychology, Biblical Studies and English). I abandoned these upon discovering the progressive science of Transpersonal Psychology, which studied higher consciousness under meditation and LSD. I returned to my commune, only to discover that I had developed neurological tremors. My family doctor diagnosed malnutrition and my natoropathic mentor, organo-phosphate pesticide poisoning from all the commercial fruit, suggesting a 21-day water fast, which I did back at the bungalow in Pearly Beach where my parents dropped me off on a fishing trip with 25 litres of distilled water, my recovering 9-days later, yet continuing to fast as instructed for a full 3-weeks.

Shortly after, around 1980, I met my wife-to-be and married in 1982, a marriage which has lasted to this day, some 42-years later. I worked for the National Monuments Council under Dr Douglas Hey at that time. After he left, his successor having embezzled funds from the Council, I was approached by the accountant to assist, raised a hypothetical situation with my then boss, who advised that I approach the Chairman, a retired judge, who duly undertook to investigate, but suggested I move on for fear of repercussions. I received a settlement, and a few years later, read a news report confirming his conviction.

This was nevertheless quite a blow to me, since working so close to the City Library and I had become an avid student of the new fields of natural sciences and had spent my lunch-breakes working through the archived and current issues of the journals Science, Nature, New science, The Ecologist, and Nuclear International, borrowing these to expand my education. Around this time, the Koeberg Nuclear Plant was nearing completion, but I had read authoratively that the "control rod guide-pins" were determined in service in France to be defective and were, at great expense, sequentially shut down and retrofitted with redesigned parts. Under sactions South Africa, would not receive, nor the Government under seige delay Koeberg's commission into service, condemned until only recently 24/25.

Co-incidentally, P.W. Botha, as head of the National Party, Minister of Defence and then Prime Minister, had reneged on his 24-months voluntary extended service contract and his Military Police were seeking every young white male back into active service to kick down doors in the black townships to search for AK-47's and limpid mines and other explosives. By now I was truly a political and spiritual pacifist and it was once again time to run away. This time I bid my parents goodbye. My grandfather, veteran of two World Wars, who had stowed-away at 14m and was found by his elder brother on the European front-line at 16, who was my life's inspiration, but later an addicted smoker and tragic alcoholic, had by now already passed, but I had the pleasure of bathing him daily until his time was up.

This led my wife and I to cash in our meager savings and head for Knysna to look seek out residual hippies. Our first base was at Skuinskraal, near Woodville, where we lived in a naturopath friend's old hippy settlement's derelict labourer's cottage, without running water or electricity, but at least equipped with a pit latrine with a wonderful view of the protected indigenous forest on the other side of a fresh running stream at the bottom of a steep slope just a good stone-throw away, where I also encountered by first wild leopard.

I grew my own herbs and veggies and kept a few goats, one of which was pregnant and delivered three kids and some milk to spare. A year later, against all reasonable odds, I one day encountered none other than Prime Minister P.W. Botha and his entourage of bodyguards, who drove slowly past, cranning and twisting their necks to keep their eyes on the strange apparition of a long haired and bearded young white man wearing only a Gandhi loincloth, tending the garden of what to them used to be a labourer's "hottnots huisie". Once again, it was time to move on to seek living hippies, rather than ghosts at P.W.'s Farm.

After some squatting and renting of rundown properties, I eventually settled in the Knysna District proper, first as an informal trader in the Town of Knysna, where I was founder Chairman of the Knysna Informal Trader's Association and traded in herbs on Templeman Square on high days and holidays. This was successful enough to afford rent and for the next 19-years, I rented in the actual Garden of Eden, under the kindness of a friend and benefactor, Mr Willo van Rheenen, whose forester family founded Rheenendal. Mr van Rheenen's family, through his second wife, had his family commit him to psychiatric care and via a hostile takeover Van Reenen (Pty) Ltd, sold the shares to P.G. Bison, who evicted all claimants from the properties, even with my option was securely vested in the company. I had a valid option to my purchase 4-hectares, inclusive of a farmhouse and outbuildings.

I was last man standing, the most prior being a lady in Rheenendal and a friend of Willo's sister, his only defender before he died of a heat attack, on diccovering his father's legacy

destroyed (pitty no Restrictive Title Deed Conditions were protecting these properties) who had her horses on a rented smallholding systematically maimed and killed to force out. I was holding out against then holding company, Marcus Jooste's personal lawyer, today Steinhoff's CEO, to whom Jooste used to grumble, that Mr. Thomson was costing him too much, which led to two arson attempts to frighten us off, or finish us off. We reached a settlement, allowing me to release the property, now denuded and pillaged to strike a fire.

I had previously established my independent Gaia Research Institute, funded by my own formulated range of natural medicinal and personal care products and where my research specialised in Botanical Toxicology. Typically, Satan, as serpent (witness the medical symbol the Caduceus) brought my commercial and free clinic activities to the attention of the Medicines Control Council and I became embroiled in a decade-long bureaucratic battle with vested financial and apartheid era interests, an MCC official threatening me with 10-years imprisonment and/or R10,000 fine on 25-counts over unregistered medicines.

I first attempted to negotiate a compromise, to no avail and as I had fortuitously already become involved in the traditional African healer's own struggles of around that time, had hosted a Natural Health Indaba at my Institute, which included the Chairman of the Western Cape Traditional Healer and Herbalist Association, whom I later represented at the Legal Issues Working Group at the Department of Health in Pretoria, where I discovered that the Universities and the State itself were involved in Ethnopyracy of the Traditional African Medicines for pharmaceutical exploitation, my path now firmly set. I was made life member of the association by the Association's President, Dr. P.S. Kubuleli.

I discovered a alarming fact that the leading cause of death amongst the African peoples were Traditional African Medicines, in particular, in KZN, a deadly poisonous root from a plant of nomenclature *Callilepis laureola*, named "Impila", meaning "Health" and used by the Zulu people extensively for medicinal and ritualistic purposes. It soon became apparent that MCC Chairman, Prof. Peter Folb, as Head of Pharmacology at UCT and established at the Medical Research Centre at of all paces, Falmouth Road Mowbray, where I spent grew-up, was not only engaged in ethnopyracy, but if not actively involved in Genocide, covered it up.

Philip Kubukeli, who to his embarrassment, it turned out had naively collaborated with Folb, became a close confidant and collaborator of mine and as a result of my research, I engrossed myself in my discovery and authored a Genocide Report for the the Health Minister, Nkosasana Dhlamini Zuma, who established an international review committee to evaluate my Report, and subsequently recommending the removal of the upper hierarchy of the Medicines Control Council, and ushering in reforms to include the regulation of TAMs.

This was not without the momentum of the prior involvement of the Human Rights Commission, following my eviction from Parliament whilst presenting my Draft Gencide Report to the Health Portfolio Committee, which submission was ordered confiscated from all the M.P.s on the Committee; and later, the Public Protector, for the MCC Inspectorate unlawfully raiding my Institute (according to the Inspectors, because I threatened to derail the Draft Regulations on Complementary Medicines), which I did plan to do, because they had taken the easy way out by ignoring the Traditional African Medicines conundrum.

Eventually my Dad needed me as he approached his 90's and my wife and I moved to Pearly Beach where we bought our first ever home. On arriving here, I did the decent thing and immediately donated my drumkit to the Community Hall in Eluxolweni, under administration of my dear friend, the Community Leader, Maria Hoffman.

Thank you for the indulgence, if you managed to get through to this point.

END

(Further Voluntary) Verifying References:

<https://www.gaiaresearch.co.za/trads.html>

Please see the link at the base of the page: "DOWNLOAD FULL GENOCIDE DOCUMENT".

<https://www.gaiaresearch.co.za/trads2.html>

Please see the lnks in the top green rectangle or at the base of the page.

<https://www.gaiaresearch.co.za/sutherlandia.html>

Please see the links at the base of the page.

OVERSTRAND MUNICIPALITY
REKORDBEHOUER 170
14 NOV 2024
Support ①
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Alida Conradie

639 GPB

From:
Sent: Wednesday, 13 November 2024 17:42
To: Alida Conradie
Subject: FW: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH

TP-A Theart (S vld Merwe)

Alida,

As the homeowner at 3 Main Road, Pearly Beach, I have no objection to the proposed re-zoning and the creation of a bottle store at 9 Law Street (Erf 249).

639

Regards

Nick de Blocq
082 1157007

FILE NO. Erf 639 - GPB
SCAN NO.
COLLABORATOR NO.
2468841

From: Jeane Douglas <jeaned04@outlook.com>
Sent: Wednesday, 13 November 2024 08:36
Subject: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH

Good day , I trust you are well, you are hereby notified that you are an interested and an affected party for the application on the removal of title deed restrictions and building line relaxation of Erf 249 Pearly Beach (52 Crest Road Pearly Beach).

I am a private Town Planner submitting the above mentioned application to the Overstrand Municipality on behalf of my client Albertus Smit.

You are hereby requested to submit your comment support or objection to the Overstrand Municipality as part of the public participation process. If you would like to provide your comment, support or objection please send an email to alida@overstrand.gov.za .

The notice for public participation is attached to this email for ease of reference.

For any further queries regarding this email or the application ,please contact Alida Conradie at the town planning department at the above mentioned email address.

Kind Regards

TP 14 NOV 2024

13 NOV 2024

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

OVERSTRAND MUNICIPALITY

REKORDBEHEER

Support @

13 NOV 2024

Alida Conradie

From: Michael Bredenkamp
Sent: Wednesday, 13 November 2024 08:31
To: Alida Conradie
Subject: FW: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH
Attachments: Annexures.pdf

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

TP- A Theart
(S vld Merke)

Good morning Alida

I have no objection to the proposed liquor shop. Liquor is being sold at the pearly beach resort shop, admittedly it is not hard liquor but in my opinion it will be an convenience to shop local instead of driving all the way to Gansbaai.

Regards Michael Bredenkamp

From: Jeane Douglas <jeaned04@outlook.com>
Sent: Wednesday, 13 November 2024 08:20
Subject: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH

Good day , I trust you are well, you are hereby notified that you are an interested and an affected party for the application on the removal of title deed restrictions and building line relaxation of Erf 249 Pearly Beach (52 Crest Road Pearly Beach).

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The notice for public participation is attached to this email for ease of reference.

For any further queries regarding this email or the application ,please contact Alida Conradie at the town planning department at the above mentioned email address.

Kind Regards

Jeane Douglas.

FILE NO.	ErF 249-GPB
SCAN NO.	
COLLABORATOR NO.	2426086

TP 13 NOV 2024

435

REKORDBEHEER

14 NOV 2024 21:170
Support (3)

Alida Conradie

639 GPB

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

From: Admin- Lincor Verkoeling
Sent: Thursday, 14 November 2024 14:08
To: Alida Conradie
Subject: FW: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH
Attachments: Annexures.pdf

639

TP - A Theart
(Svd Merke)

Good day

I L A Schutte Owner of 148 Broadway street have no objections to the building of a bottle store.

Regards

L A Schutte

From: Jeane Douglas <jeaned04@outlook.com>
Sent: 13 November 2024 08:36
Subject: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH

Good day , I trust you are well, you are hereby notified that you are an interested and an affected party for the application on the removal of title deed restrictions and building line relaxation of Erf 249 Pearly Beach (52 Crest Road Pearly Beach).

I am a private Town Planner submitting the above mentioned application to the Overstrand Municipality on behalf of my client Albertus Smit.

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The notice for public participation is attached to this email for ease of reference.

For any further queries regarding this email or the application ,please contact Alida Conradie at the town planning department at the above mentioned email address.

Kind Regards

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2511811

TP 14 NOV 2024

TP-A Theart
(S vld Merkle)

20 NOV 2024

Support (u)
DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

Alida Conradie

From: Alida Conradie
Sent: Wednesday, 20 November 2024 13:53
To: natasha@planactive.co.za; john@planactive.co.za
Cc: Alida Conradie
Subject: Re: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner

Dear John & Natasha

We have no objection to the application.

Kind regards

Andrew & Ronel Greeff
 OWNERS
 ERF 263
 21 Twist Street / 6 Beach Road
 PEARLY BEACH

On 12 Nov 2024, at 09:07, info@andrewgreeffarchitects.co.za wrote:

From: Natasha <natasha@planactive.co.za>
Sent: 12 November 2024 08:46 AM
To: Natasha <natasha@planactive.co.za>
Subject: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner

FILE NO. Erf 639-GPE
SCAN NO. 02
COLLABORATOR NO.
2557402

To whom it may concern

You are regarded as a potentially affected property owner.

Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) requires that notice must be given, and Section 49 allows for a period of not less than 30 days from the date on which notice was given to affected persons to submit comments, objections, or representations in respect of a land use planning applications. Council, during a meeting held on 30 November 2023, resolved that such notice be given via e-mail in accordance with the provisions of the Electronic Communications and Transactions Act, 25 of 2002. Due to ongoing difficulties in service delivery experienced by the South African Post Office, and as per the aforesaid Council resolution, **NO** registered mail/letters will be forwarded in the interim period.

Kindly regard this email as your formal notification of such land use application. **Kindly provide your comment, objection or representations, if any, as per the instructions of the attached notice.**

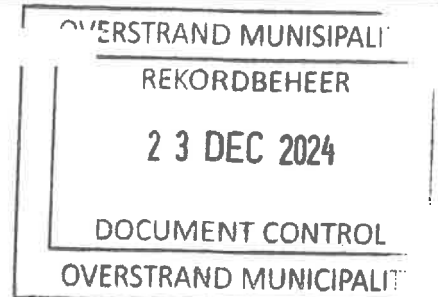
Also note that the notice will be available at the Town & Spatial Planning Department, and on the municipal web page at the following link: <https://www.overstrand.gov.za/en/documents/town-planning/land-use-planning-applications>

Please refer to the attached notice, locality plan, motivation report and building plan for your information.

TP 20 NOV 2024

Alida Conradie

From: Daleen Stickling
Sent: Friday, 20 December 2024 15:51
To: Alida Conradie
Subject: Voornemende Botelstoor te Pearly Beach



Goeie dag

Hiermee my teenkating teen die voorgenome bottelstoor in Pearly beach:

Dit gaan onnodige morsigheid meebring. Gaan kyk hoe lyk dit buite bottelstore in omliggende dorpe - rommel en bottels/blikke word daar neer gesmyt. Wat gaan iemand verhoed om alhohol in die strate te loop gebruik?

Gaan kyk by Baardskeerdersbos ennin Gansbaai hoe hul op die sypaadjie drink en mors en rondlê.

Ek is geheel en al daar teen

Hou ongevraagde elemente asb uit ons paradys plekkie

Groete

Mev Stickling

Erf 572 Pearly Beach

[Yahoo Mail: Search, organise, conquer](#)

FILE NO.	ET 639
	Pearly Beach
SCAN NO.	GPB639 (1)
COLLABORATOR NO.	2576454

Alida Conradie

From: Chris Keyser
Sent: Friday, 20 December 2024 13:58
To: Alida Conradie
Subject: Re: Aansoek vir Bottelstoor in Law straat Pearly Beach.

Eienaar : Mev H A Keyser.
 13 Campstraat, Pearly Beach,
 Erf : 512.

My vrou is die eienaar en ek teken die beswaar aan ook namens haar. Sy gebruik my epos adres vir alle korrespondensie.

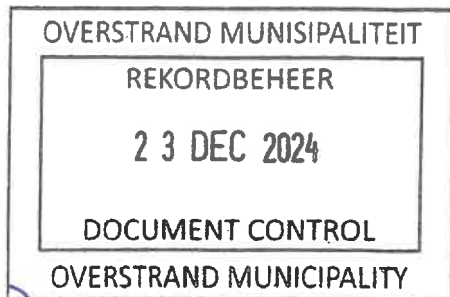
On Fri, 20 Dec 2024, 10:49 Alida Conradie, <alida@overstrand.gov.za> wrote:

Beste mnr Keyser

Kan u asseblief u erfnummer aan my voorsien.

Baie dankie

*TP N. Theakle
(5. uol n lewa)*



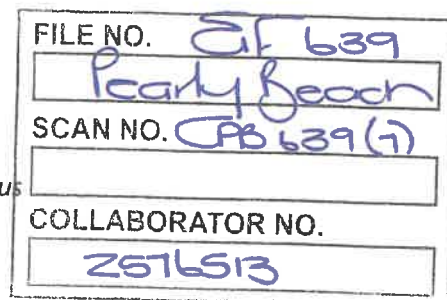
Alida Conradie

Administrative Officer, Town- and Spatial Planning

Directorate: Planning & Development, Overstrand Municipality, Hermanus

A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20

T: 028 313 8900 | F: 028 313 2093 | E: alida@overstrand.gov.za



From: Chris Keyser <chriskr44@gmail.com>
Sent: Friday, 20 December 2024 10:14
To: Alida Conradie <alida@overstrand.gov.za>
Subject: Aansoek vir Bottelstoor in Law straat Pearly Beach.

Hiermee my sterkste beswaar teen die bogenoemde aansoek.

Pearly Beach het dit nie nodig en die rustige atmosfeer rondom die beoogde ontwikkeling sal onherroeplik versteur word.

23 DEC 2024

Alida Conradie

3

From: Joye Nel <
Sent: Friday, 20 December 2024 15:14
To: Alida Conradie
Subject: Objections on the the lifting of restrictive title deed conditions and consent use of Erf 639, Law Street 9, Pearly Beach for the proposed Bottle store

We are objecting to the proposed establishment of a bottle store in Pearly Beach. When we bought our house in Pearly Beach it was linked to the fact that this is a conservancy area and that development was done in line with conservation in mind and the fact that it was a quiet area with limited businesses and no street lights. We moved away from an over developed area to retire in this beautiful area.

If a Bottle store is opened in Pearly beach it would have negative consequences for the area and community.

Gansbaai is very close and buying of all needed commodities is done there. There are already enough bottle stores available where general shopping is done.

Alcohol abuse is a serious problem in South Africa as it is the third highest cause of death and disability in South Africa. It does not only affect the person who is drinking but the family of the person as well. Money which needs to be used for supporting families is spent on alcohol and which leads to social issues. The harmful use of alcohol can lead to unemployment. It can also result in poor education, which itself leads to unemployment and unemployment is one of the reasons that people turn to crime.

Pearly Beach is serviced by Gansbaai SAP which does not have the necessary resources to police yet another area with problems arising from liquor misuse.

In an Area such as Kalkbay in the Cape it was clear that when a Bottle store was open there were multiple problems arising due to people drinking around the store as the area was negatively affected by the influx of persons buying and drinking alcohol there. There is already a great group of residents in Pearly Beach dependent on state grant and support. Pearly Beach can not afford to have more social ills in the area.

Furthermore the title deed of the stand has a restrictive condition that any sale or dealing in intoxicating liquor in the said land is prohibited by the original land owner which need to be respected.

The current restaurants in the area are more than enough places to render service for people in need of a place to socialise with liquor available. The current economy of the area will not benefit with the establishment of a Bottle store in the Area.

Mr OJ and JE Nel
 71 Arcadia street Pearly Beach

*TP-N. Nel
 (S. ud w Nel)*

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
23 DEC 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO. <i>BT 639</i>
<i>Pearly Beach</i>
SCAN NO. <i>GPB 639(6)</i>
COLLABORATOR NO.
<i>2576484</i>

23 DEC 2024

TP- N. Theak
(S. ud w name)

Alida Conradie

4

From:
Sent: Friday, 20 December 2024 15:44
To: Alida Conradie
Subject: Objection - Erf639, 9 Law Street, Pearly Beach

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
23 DEC 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Dear Sir / Madam

OBJECTION TO THE APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSTENT USE TO ERF639, 9 LAW STREET, PEARLY BEACH ON BEHALF OF JC KOEKEMOER

As much as I support any new business enterprise in Pearly Beach area for the well-being for the local community, I hereby submit my strong objection to the above-mentioned application on the following grounds,

- The mentioned property is next to registered residential properties. This will have an adverse effect to the residential property valuation and safety.
- Of particular concern is the noise emanating and the disturbance to the neighboring residents who will have to endure this inconvenience.
- Traffic congestion would also be of great concern due to the small parking area or allocation as well as that Law Street is a one-way direction street.
- Has an environmental social and traffic impact been conducted?
- Pearly Beach has a proliferation of establishments that sell liquor already. These existing businesses are located within 500 meters radius from the proposed application, namely, Pearly Beach Angling Club, Whale Coast Brewery Co and Visgat.
- There is enough alcohol being sold by the existing mentioned businesses. By adding another liquor outlet in such close proximity will lead to abuse causing further mental and health conditions.
- Not too mention physical abuse which leads to interpersonal violence, crime and anti-social behaviour. Property within the area and people will feel unsafe.
- Children in the neighbourhood would be just across the road from the proposed bottle store.

As mentioned earlier, I support business development and growth for the betterment of all in the local community, but I believe Pearly Beach doesn't need a bottle store in such a beautiful and peaceful seaside hamlet at the present moment.

I respectfully request that the Overstrand Municipality not to grant the application on the grounds of the above-mentioned facts.

Would you be so kind as to confirm receipt of this email and that the objection is in order.

I thank you.

Yours sincerely
Richard Rippon

Address – 8 Oyster Street, Pearly Beach Resort

FILE NO. 21639
Pearly Beach
SCAN NO. 688 639 (5)
COLLABORATOR NO. 2576479

23 DEC 2024

44TP. N. Theak
(S. ud w Name)

27/170

Alida Conradie

5

From:
Sent: Friday, 20 December 2024 16:06
To: Alida Conradie
Subject: Objection: Liquor Store application PearlyBeach.

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
23 DEC 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

This is to object to the application for a proposed liquor store in Pearly Beach, for the reasons:

1. The likelihood of a liquor store resulting in undesirable elements loitering and littering in the vicinity and consuming alcohol in public often in the presence of small children, accompanied by unruly and obscene behaviour, as regularly seen in the centre of nearby Baardskeerdersbos especially on Saturdays.
2. Undesirable commercialisation of Pearly Beach as a tranquil conservancy – one of Pearly Beach's main attractions as a desirable, rural, area to invest and settle in as opposed to elsewhere in South Africa with escalating decadence and crime – while there are ample alcohol disposal facilities in nearby Gansbaai, including wine for cultured and responsible use from the local general resort shop. At the same time while the village has four on consumption liquor outlets compared to two general shops that constitute the total of its business premises.
3. The fact that Pearly beach does not need this type of business as there are sufficient alternatives and the only relevant party to benefit from this type of store are the owner/developer and his/her employees.

H S & M J du Plessis, owners Erf 511, 15 Camp St, Pearly Peach –

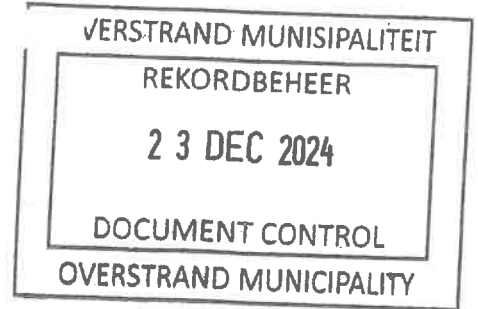
FILE NO. 51639
Pearly Beach
SCAN NO. 6PB 639(2)
COLLABORATOR NO.
2576449

TP. n. Theoak
(S. ud w name)

Alida Conradie

6

From: charl muntingh <
Sent: Friday, 20 December 2024 16:41
To: Alida Conradie
Subject: Re: Proposed bottle store in Pearly Beach



Dear Sir/Madam

Herewith, as an Affected and Interested Party (AIP), we most strongly object to the proposed bottle store in Law Street, Pearly Beach, Overberg.

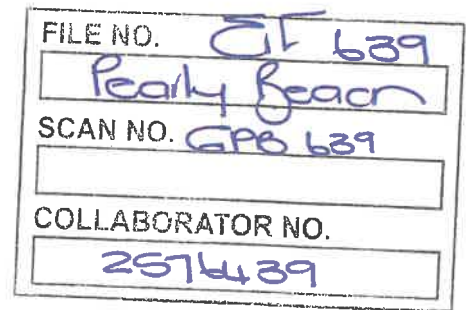
A bottle store is not a necessity in our village. This will attract certain unwanted elements and bring with them loitering, crime and disturbing the peace, which will have a negative impact on our indigenous creatures.

It, in our opinion, will change the appearance and peaceful nature of our beloved village.

/ours sincerely,

Charl & Lorraine Muntingh

7 The Circle,
9 The Circle,
105 Charlie van Breda drive and
62 Twist Street



23 DEC 2024

TP. n. /heal
(S. Ud n. New)

Alida Conradie

7

From: Irene Aldridge
Sent: Friday, 20 December 2024 17:15
To: Alida Conradie
Subject: Objection: ERF 639, 9 Law Street, Pearly Beach

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
23 DEC 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Good day

As a resident and property owner in Pearly Beach I want to voice my concerns and object to the application mentioned above.

Bottle stores attract undesirable elements. That is a fact that we see daily in Gansbaai or the newest example in Bardskeerdersbos. Unfortunately not all customers buy alcohol in the store and consume it at home. The reality is, that people will either drink in the vicinity of the bottle store or somewhere else publicly. With the Fynsbosuin/Herbarium/Village Green being very closely located to the proposed bottle store, I fear for the safety and the cleanliness of these places. With the Herbarium having been vandalized already a few weeks ago, I don't want to see things like that becoming a regular occurrence. Illegal drinking at our various beaches will raise conflicts with residents and add to the pollution of the area. Furthermore Pearly Beach has no police station at this moment and therefore do not have the means to solve arising issues in a timely fashion.

Pearly Beach is a Conservancy and as such I find it important to preserve the tranquility and safety of our beautiful village. We don't want to become a place that is known for illegal drinking parties. Or for unattended children roaming the streets, because the parents are laying drunk in the bushes.

Alcohol is not a basic necessity as the application wants to make you think. And neither is it the holy grail economically for Pearly Beach. On the contrary it can possibly put more people with a drinking problem into debt and increase family tragedies.

I kindly ask you to decline the application.

Kind regards

Irene Aldridge

Irene Aldridge
125 Charlie van Breda
7220 Pearly Beach

FILE NO. ERF 639
Pearly Beach
SCAN NO. PB 639(1)
COLLABORATOR NO.
2576435

23 DEC 2024

Alida Conradie

8

From: Joy-Anne Visser
 Sent: Friday, 20 December 2024 18:05
 To: Alida Conradie
 Subject: Removal of title deed restrictions: No.T3644/2005. Erf 639 Pearly Beach.

Dear Sir/Madam

I would like to voice my objections to the removal of restrictions to allow for a bottle store.

Name: Joy-Anne Visser.
 Address: 21 Loop Street, Pearly Beach.

I have been coming to Pearly Beach since the early 1980's. First I bought a plot and then my house on the 6th of May 2003: holidaying here at least 4x/year. Retired here December 2016, so I am a permanent resident.

I have a love for Pearly Beach because it is a **Conservancy**: there is beautiful flora and fauna. I made my decision to live here.

There are five restaurants here which legally have liquor licences. Transport is available to go to Gansbaai to purchase liquor.

I cannot see how a bottle store can uplift our poor community or benefit the environment (**Conservancy**) . My personal experience is that households that have a person or persons that drink excessively - they can become physically and emotionally abusive. Also money is taken away from household necessities. Bottles, cans etc. get thrown into the environment.

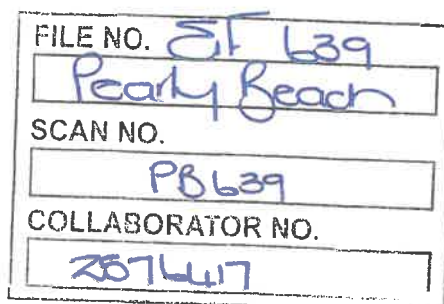
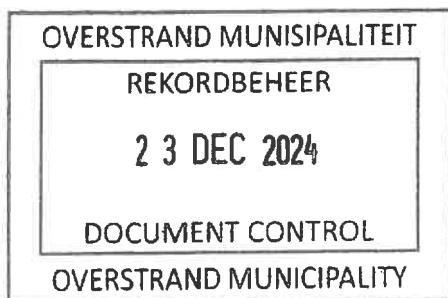
Drunk people hang around bottle stores and there is more pollution left behind. Some individuals will accost people climbing into cars, entering/exiting shops and restaurants.

So many of our fauna e.g. small bucks, tortoises, birds etc are killed. Too much alcohol diminishes one's responsibility - there have been accidents. We have AA meetings in Pearly beach, as well as drug addiction:

Do we want to add to the numbers of broken lives because we want to make it more convenient for them.

Yours sincerely
 Joy-Anne (Visser)

*TP. N. Theakle
 (S. ud w name)*



23 DEC 2024

Alida Conradie

9

From: Chris Keyser
Sent: Friday, 20 December 2024 10:14
To: Alida Conradie
Subject: Aansoek vir Bottelstoor in Law straat Pearly Beach.

Hiermee my sterkste beswaar teen die bogenoemde aansoek.
Pearly Beach het dit nie nodig en die rustige atmosfeer rondom die beoogde ontwikkeling sal onherroepelik versteur word.

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
20 DEC 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP-A Theart
(S vld Merke)

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2575188

TP

20 DEC 2024

Overstrand Munisipaliteit
alida@overstrand.gov.za

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
20 DEC 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP-A Theart
 (S vld Merwe)

10

20 Desember 2024

Vertoë ten opsigte van Erf 639 Lawstraat 9, Pearly Beach opheffing van beperkende titelakte voorwaardes en vergunningsgebruik.

Ons is al vir meer as 10 jaar inwoners van Pearly Beach en is baie bekend met die dorp, sy inwoners en omliggende bedrywighede.

Redes vir ons vertoë en kommer oor die voorgestelde aanpassings tot die titelakte –

1. 'n Groot gedeelte van die Pearly Beach gemeenskap val in die laagste LSM groepe en die voorgestelde verandering sal hierdie armoede vererger.
2. Dit is duidelik sigbaar in en om ander omliggende drankwinkels (in die Overberg distrik) dat saam met hierdie tiepe besigheid daar altyd ongewenste mense buite die deure van die drankwinkel sigbaar is. Dit lei ook gewoonlik tot vullis en rommel om en rondom die besigheids area.
3. Hierdie verhoging in armoede en aantrekking van ongewenste mense sal 'n styging in misdaad in die omgewing tot gevolg hê. Dit in 'n dorp waar die law enforcement en polisie reeds sukkel om by al die huidige sake en voorvalle uit te kom.
4. Die huidige parkering is skaars genoeg vir 'n klein restaurant, wat nog te sê vir 'n drankwinkel.
5. Een van Pearly Beach se grootste karakter eienskappe is juis die feit dat daar nie 'n drankwinkel in sy grense is nie. Dit sal 'n groot verlies wees indien hierdie reel verbreek word.
6. Dit sal ook 'n verlaging in eiendomswaarde tot gevolg hê.

Ons voorsien dat die toelating en oprigting van 'n drankwinkel slegs die eienaars sal verryk ten koste van 'n gemeenskap as geheel se welvaart.

Henk Tiggelman



Ineke Tiggelman



Ons vertoë is namens die volgende twee eiendomme wat ons besit:

Erf 269
 38 Twist Straat
 Pearly Beach

Erf 274
 45 Central Straat
 Pearly Beach

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO. 2575194



20 DEC 2024

REKORDBEHHEE 3/170
20 DEC 2024 (1)
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Alida Conradie

639 GPB

From: Mike Wessels
Sent: Friday, 20 December 2024 09:27
To: Alida Conradie
Subject: Pearly Beach proposed Bottle store.

TP-A Thearts
(Suid Merkie)

My concern is at present we do not have the SAP monitoring the traffic in PB. Not enough infrastructure and logistic to cope, is there a plan to increase manpower or vehicles to monitor our area.

With increased outlets for alcohol in the area. Will the SAP be more present if this outlet is granted a license.

Ms Wessels

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2575165

78

20 DEC 2024

Alida Conradie

639 GPB

(12)

From:
Sent: Friday, 20 December 2024 08:58
To: Alida Conradie
Subject: Objection to proposed bottle store in Pearly Beach

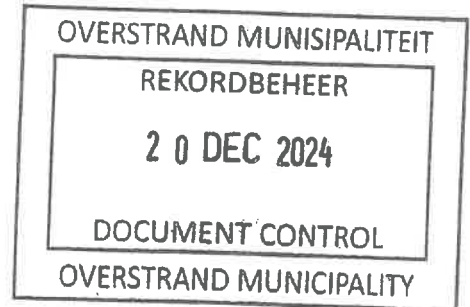
Good morning

As residents of Pearly Beach we very strongly object to the opening of the proposed bottle store in Pearly Beach.

We believe that the introduction of a bottle store in this area will be detrimental to the peaceful nature of Pearly Beach which will lead to more loitering, littering, noise and drinking around the area by the Herbarium park for example.

Please confirm receipt of our objection.

Thanks and kind regards
 eslie Ofchinsky and Lauren Shapiro
 10 Kerk Straat, Pearly Beach



TP-A Theart
(S vld Merwe)

FILE NO.	Erf 639-GPB
SCAN NO.	
COLLABORATOR NO.	2575163

Alida Conradie

639 GPB

13

From: Peter Burton-Moore
Sent: Friday, 20 December 2024 06:21
To: Alida Conradie
Subject: Bottle store Pearly Beach

Dear Madam,
 I wish to express my total opposition to the bottle store that is planned for the town.
 It will attract unsavory individuals, loitering etc.

Yours faithfully,
 P Burton-Moore
 13 The Circle
 Pearly Beach

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
20 DEC 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP - A Theart
 (S vld Merkle)

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2575198

TP 20 DEC. 2024

TP - A Theart
(S vld Merwe)

OVERSTRAND MUNISIPALITEIT 26/170
REKORDBEHEER (14)
20 DEC 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Attention: Senior Town Planner & *Municipal Manager, Overstrand Municipality

Objections on Overstrand Municipality Notice No. 180/20, Erf 639, 9 Law Street, Pearly Beach: Application for Removal of Restrictive Title Deed Conditions; and Consent Use, by Messrs Plan Active Town & Regional Planners, on behalf of Mrs J.C. Koekemoer. My Comments at Invitation, in terms of the By-Law, Section 52.

Objector Name & Address: Stuart A. Thomson, Erf 1762, Main Rd, Pearly Beach.

Please serve non-electronic documents to Main Road address on my Municipal Account (Street number omitted due to family and property security concerns of recriminations by alcohol-intoxicated patrons, and the managers and owners responsible for all unacceptable disturbance/nuisance at 9 Law Street)

Service and Contact details: stuartthomsonretired@gmail.com (Ph/SMS: 0829277151) Receipt of Notice/Service/Support documents in electronic format, are preferred via e-mail. (I can, upon due notice, collect pertinent non-electronic supporting documentation from Gansbaal Municipality)

Interest in the Application - Erf 639. My wife and I, S.A. citizens, 78 & 70 years respectively, reside at our jointly owned flat home, south of 9 Law Street, directly across from, in closest audible range of the 'restaurant' and any future activities. We are 10-year retired permanent residents in Main Road, me living on/off in PB since 1976.

Reasons for the comments and objections (In brief, to be expanded in detail):

1.

There are 13-year old historical 'procedural errors' in the Department of Planning, Overstrand Municipality; and abuses of consent uses by owners, liquor licensees and managers, operating the so-called 'restaurant', more a 'nightclub' at Erf 639.

2.

We find the drunken patrons and loud live music entertainment disturbances and nuisances, emanating and dispersing from this establishment, to be Intolerable. I sleep on a mattress on a desk in my study, especially over weekends and holidays. My wife, since our bedroom fronts Main Rd, faces the full onslaught of the excessively loud loitering and revelery.

3.

I object to further procedural abuses via the present application, attempting to post facto legitimise above-mentioned abuses by retrospectively removing the Restrictive Title Deed Conditions, compounded by any expansion of Consent Uses.

4.

I object to any Municipal 'approval' for 'Removal of Restrictive Conditions on the Title Deeds', as they specifically relate to the legitimate reasonable prohibition on "any sale or dealing in intoxicating liquor"; and "use for shop purposes only" and broadening Consent Abuse of so-called "restaurant" to 'include' a "bottlestore".

5.

1

Erf 639 - GPB
2875219

70

An owner remains bound by Restrictive Conditions of Title, even if a land use application is "approved in conflict with lawful conditions", as is current situation. The unlawful municipal mis-approval thus, for the existing 'restaurant'; and the liquor licence recently transferred to Mr JJ Koekemoer, remain in contravention of National, Provincial & Local Government:- Policy, Legislation & Regulations, as they relate to the violations of the sanctity and legal force of the Statutory Title.

- 2 -

1. I hereunder, directly address both the Senior Town Planner and *Municipal Manager.

a)

I respectfully request that both the Senior Town Planner and Municipal Manager peruse my submission before deciding on which officials are best qualified for any delegation. My apologies in advance for this notice prelude to my responses to PATARP's Motivated Application, beginning on page 4, but there really are significant preliminary issues to place on record, in the Public Interest, as alluded to on page 1, that must be factored into considerations of the Application.

b)

My observations on reading the Motivation have revealed what appear to be several problems with non-acknowledgement of on-consumption liquor licence, inaccurate, misrepresenting, misleading, erroneous, false information unlikely, possibly not believed to be correct, needing public interest statement, procedurally fair rectification and policy and by-law enforcement.

c)

Furthermore, I formally request due opportunity to rebut the applicant's responses to mine, and provision of due clarification from the Municipal Records so that I and any authorised evaluating officers have all the known factual information pertinent to this matter and these, and any additional objections, 'before' proceeding, to not repeat past mistakes and prevent condemning this critical process to further complaints/appeals.

d)

I wish to place on record my complaint that the Applicant's agent (PAT&RP) was not considerate enough to present their motivation in a format that could be readily cut and pasted for ease of our necessary responses. I had no choice but to selectively cut & paste from PATARP's static format, and so underlined my target texts.

e)

Further, documentation lodged at the Gaansbaal Library contained no supporting documentation whatsoever. This is problematic for objectors, for obvious reasons, including transparency and procedural fairness in upholding the constitutional principles of Access to Information and Just Administration, given the Overstrand Municipality's prior 'shady' handling of the prior approval of the 'restaurant' on Erf 639, without due diligence and consideration, of the existence, then and to the present, of said Restrictive Title Deed Conditions.

f)

I have to place on record, my revelant observation, that the present proposed removal of restrictive conditions and broadened Consent Use, constitutes a partial attempt to post facto remove, as beneficiaries of said restrictive conditions, our legitimate regulatory barriers to the ongoing irregularities and violations of municipal by-laws, under guise of legitimate licencing,

which had left me and most of my neighbours, misled over the illegitimacy thereof, until now.

g)

Given the concise contrary information provided in my own submissions herein, I hereby invoke my right to serve and to receive all pertinent information required for protection of my rights and surrounding community affected by Removal of Restrictive Title Deed Conditions/Consent Use Changes, without which records/information requested above, I remain unable to fully express my concerns/objections.

2.

I will to my best knowledge, satisfy the requirements of Section 52, sub-section (4) of the By-Law, (within the abovementioned 'Information liabilities' so placed on record for rectification), in order to:

- (a) indicate the facts and circumstances which explains the objections or comments;
- (b) demonstrate the undesirable effect which the application will have on the area; and
- (c) demonstrate aspects of the application not considered consistent with policy.

- I thank you in advance for your dedicated attention hereto, in the Public Interest, and my own -

- 3 -

3.

The 'format' used to present my further Comments, Objections and any further revelations to Applicant, Mrs J.C. Koekemoer, is to follow that used by Plan Active Town & Regional Planners.

4.

My mandatory formal notice submission, in terms of the By-Law, Section 52, on Page 1 as well as the preface directed also to the Senior Town Planner and the Municipal Manager, that follows on Page 2, remain inseparable from and what follows hereafter, since aforementioned serve to inform my objections outside the confines of PATARP's narrow Motivation Report, by no means impartial, nor neutral in content, given that they specifically serve the interests of the Applicant, Mrs JC Koekemoer, whose proposal is diametrically opposed to that of knowledgeable residents.

5.

Adapted Location MAP: Erf 639 (Red bordered Pink), direct fronting proximity to my nuisance-affected residence Erf 1672 (Green) and neighbours most affected.

PATARP's Locality Map is adapted in to provide a more realistic public and residential footprint. (Acknowledgements to Plan Active Town & Regional Planners: Locality Map, preceding Motivation)

MOTIVATION REPORT

1. BACKGROUND

Plan Active Town & Regional Planners has been appointed by Mrs. J.C. Koekemoer, the owner of Erf 639 in Pearly Beach, to apply for a consent use to establish a bottle store within a portion of the existing building. Notably, there are currently no bottle stores situated in Pearly Beach, making this a significant addition to the local business landscape.

S.T. Comments No. 1, to PATARPs motivation immediately above:

I note the angle of the 'significant addition', but against more significant existing historical residential rights, this addition is significantly undesirable to most retired residents, taking into account the special 'buyer and retire' character of our beloved 'Pearly Beach Estate'.

The Founding Fathers of Pearly Beach Township, first, Charles van Breda, laid out the planning and basic infrastructure; and later, Jeremiah Puren, built houses and amenities. Both in many of their Title Deeds "prohibited the sale or dealing in intoxicating liquor".

My late father, John Thomson, bought a stand with an old wooden bungalow from Wally Basson in 17 Camp Street in the late 1960s. Before he retired, Jerry Puren built his retirement home, just across the road from where Mrs J.C. Koekemoer (nee Puren) lived. I later lived in his bungalow.

I consider it my duty to preserve the peaceful village character, and so defend against any 'harmful' commercialisation of the village, such as had sadly occurred just before my retiring. In doing so, I aim to uphold the legacy of these founding fathers, on their own principles, immortalised by their vision as enshrined in their specific Restrictive Title Deed Conditions, relating here specifically to the use of Erf 639, 9 Law Street, now a veritable "den of iniquity".

I am saddened at Mrs J.C. and Mr J. Koekemoer's roles as owner/applicant and licensee, respectively, in the degeneration of this otherwise fine part of town, given the above-mentioned history. I am in no way opposed to anyone's right to enjoy their alcohol at home, or even a strictly harms-reduction-regulated high-dining restaurant apertif and/or digestif.

I pray that the applicant and licensee withdraw their proposals and the abused liquor licence, which will portray co-operation, indeed reconciliation, with the community and with the law.

Erf 639 Peary Beach is held under Title Deed T38441/2005 and is 555m² in extent. The site currently hosts a fully operational restaurant. Additionally, the application includes the removal of restrictive Title Deed conditions that may limit the use of the property for purposes other than a restaurant.

In accordance with the Overstrand Municipality Zoning Scheme, 2020, the property is zoned Business Zone 3 and is presently being used as a restaurant.

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S.T. Comments No. 2. to PATARP motivation immediately above:

I have serious problems with the Applicant's characterisation above of the property as hosting a "fully Operational Restaurant", when in fact it is, against the same Restrictive Title Deed Conditions, proposed here to be removed, that this establishment functions unlawfully 'primarily' as a "fully operational pub", more often than not, without a meal, supplying not only the "prohibited sale of intoxicating liquor", but also against the "shop only" condition, and the "prohibition of display of any hoardings (signage) or advertisements".

S.T. Comments No. 3. to PATARP motivation immediately above:

A liquor licence was acquired following an unprocedural municipal approval a decade ago, through an unlawful restaurant lease arrangement, since the restrictive conditions remained in force then and still do to the present day. The litany of unlawful activities on the premises further expanded to those that were not even approved at all: the use of the here so-called restaurant, primarily as a bar, i.e., the serving of liquor without enforcing any requisite that it be served with a meal; and the incorporation of regular very loud and disturbing "live entertainment".

S.T. Comments No. 4. to PATARP motivation immediately above:

It is a logical, even intuitive, well-established legal principal in South African law, that: *an owner remains bound by Restrictive Title Deed Conditions, even if a land use application is "approved" by a regulatory authority 'in conflict with conditions'*, and it is my logical observation and indeed, my contention, that the Applicant, in "seeking the removal of this restrictive condition to permit the establishment of the bottlestore", without any mention in the entire exercise, of the existence of the unlawful "on-consumption liquor licence", against the specific Restrictive Title Deed Conditions (hereafter, RTDC), is tantamount to the frowned upon legal defilement of 'approaching a court with dirty hands'.

S.T. Comments No. 5. to PATARP motivation immediately above:

This raises, at this outset of the present Application, issues raised by me in 1. b), on page 2., that: "Non-acknowledgement of on-consumption liquor licence, inaccurate, misrepresenting, misleading, erroneous, false information unlikely, possibly not believed to be correct, constitute Municipal By-Law

violations which, on conviction, can lead to a considerable fine and/or imprisonment".

S.T. Comments No. 6, to PATARP motivation immediately above:

Furthermore, raised there was my next point, 1. f), on page 2 to the Snr. Town Planner and the Municipal Manager was that: "the present proposed removal of restrictive conditions and broadened Consent Use, constitutes a partial attempt to post facto remove, as beneficiaries of said restrictive conditions, our legitimate regulatory barriers to the ongoing irregularities and violations of municipal by-laws", under guise of legitimate licencing, which misled and shocked us, until now, that is.

S.T. Comments No. 7, to PATARP motivation immediately above:

"Straight from the horses mouth". On 22 Nov 2024, the Pearly Beach Ratepayer's Association held a public meeting. I enquired of the prior Ward 11 Councillor and Alderman, ex-officio fielding questions, just how the Erf 639 'restaurant' acquired a liquor licence, with the Restrictive Title Deed Conditions in place. His answers were:

"The Municipality messed - up. - Someone did not read the Title Deed."

- 6 -

S.T. Comments No. 8, to PATARP motivation immediately above:

This part of my Objections to Removal of Restrictive Title Deed Conditions on Erf 639, considering No. 7. above, leads to my direct invocation of the relevant sections below, of the Municipalities own obligations, to reject the application, since in view of these fatal flaws, it is a nullity, requiring only enforcement and penalties. I shall go through the motions somewhat to round-off my position, out of courtesy to the convener hereof.

63. Duties of applicant

- (1) The applicant must ensure that all information furnished to the Municipality is accurate.
- (2) The applicant must ensure that no misrepresentations are made.
- (3) The provision of inaccurate, false or misleading information is an offence as contemplated in section 84 (1)(e).

CHAPTER X
ENFORCEMENT

83. Enforcement

- (1) The Municipality must comply and enforce compliance with—
- (a) the provisions of this By-law;
 - (b) the provisions of a land use scheme;
 - (c) conditions imposed in terms of this By-law or any law repealed by the Land Use Planning Act; and
 - (d) statutory title deed conditions.
- (2) The Municipality may not do anything that is in conflict with Subsection (1).

84. Offences and penalties

- (1) Any person who—
- (a) contravenes or fails to comply with Section 16(1), 16(5) and 84(2);
 - (b) fails to comply with a compliance notice issued in terms of Section 85;
 - (c) utilises land in a manner other than prescribed by a land use scheme;
 - (d) upon registration of transfer of the first land unit arising from a subdivision to a person other than a developer fails to transfer all common property, including private roads and private places originating from the subdivision to the owners' association;
 - (e) supplies particulars, information or answers in an application or in an appeal to a decision on a land development application, knowing it to be false, incorrect or misleading or not believing them to be correct;
 - (f) falsely professes to be an authorised employee or the interpreter or assistant of an authorised employee; or
 - (g) hinders or interferes an authorised employee in the exercise of any power or the performance of any duty of that employee,
- is guilty of an offence and is liable upon conviction to a fine or imprisonment not exceeding a period of 20 years or to both a fine and such imprisonment.
- (2) An owner who permits land to be used in a manner set out in Subsection (1)(c) and who does not cause the use to be ceased or take reasonable steps to ensure that the use ceases, or who breach the provisions of a land use scheme, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding 20 years or to both a fine and such imprisonment.
- (3) A person convicted of an offence under this By-law who, after conviction, continues with the action in respect of which he or she was so convicted, is guilty of a continuing offence and liable upon conviction to imprisonment for a period not exceeding 3 months or to an equivalent fine or to both such fine and imprisonment, in respect of each day on which he or she so continues or has continued with that act or omission.
- (4) The Municipality may adopt an administrative penalty duly approved by the district courts within the Municipality's jurisdiction, to be imposed in the enforcement of this by-law.

OVERSTRAID MUNICIPALITY
AMENDMENT BY-LAW ON MUNICIPAL LAND USE PLANNING, 2023
The register and control municipality email may generate.

- 7 -

S.T. Comments No. 9, to PATARP motivation immediately above:

Neither mere zoning as Business 3, nor approval of plans for a restaurant, legitimises the property for use as a "restaurant", since Erf 639 nevertheless remains subject to all the restrictive Title Deed Conditions, prohibiting its current use as anything but a shop, and prohibiting the

~~sale of intoxicating liquor, so it does not qualify as a "Licenced Restaurant", nor a "Pub", or a "bar". Worse, it certainly does not qualify as a "Place of Live Entertainment".~~

S.T. Comments No. 10 to PATARP motivation Immediately above:

I have done due diligence research into the Overstrand Municipality Zoning Scheme - Control of Undertakings that Sell Liquor to the public By-law, 2013, which provides concise clarifications:


'Restaurant' is a business in which mainly meals and beverages are primarily sold to seated patrons; 'Licensed Restaurant' includes on-site consumption of liquor with meals, but does NOT include premises used exclusively as a bar, a pub or tavern; nor can it be a 'Place of entertainment' that regularly generates noise from loud/live music or revelry.

Ref. Zoning Scheme Overstrand Municipality - Glossary - Control of Undertakings that Sell Liquor to the public By-law, 2013. Published in Western Cape Provincial Gazette no. 7219 on 17 January 2014 . www.westerncape.gov.za/legislation/bylaws/cpt/control.php2013553/

S.T. Comments No. 11. to PATARP motivation Immediately above:

For evidence of the abuse of the "Restaurant approval" and subsequent "Liquor Licence", see some recent social media promotions over a year, from December 2023, stressing "bar specials" & "live entertainment", collected after the 15 November Notice 180/2024:

(X10 Pages)

2021
KARIN'S KITCHEN &
PEARLY'S PUB
NEWYEAR
Bash Party
31 December
7pm ULL LATE
NO
RESEVATION

ANTON
THOMAS
LIVE

Pearly's Pub & Grill
HAPPY
BIRTHDAY
15 June
Potjie Kos
Bees & Afal
Lucky Draws
Bar Specials
LIVE Entertainment

- 8 -

PEARLY'S PUB & GRILL

SPECIAL DRINKS PROMO

Hourly Specials

30 Mar - Sat

Eugene The Music Man
With Old Rock Music

DELICIOUS MENU BY EILEEN!



Pearly's Pub & Grill

1st Birthday Weekend Bash

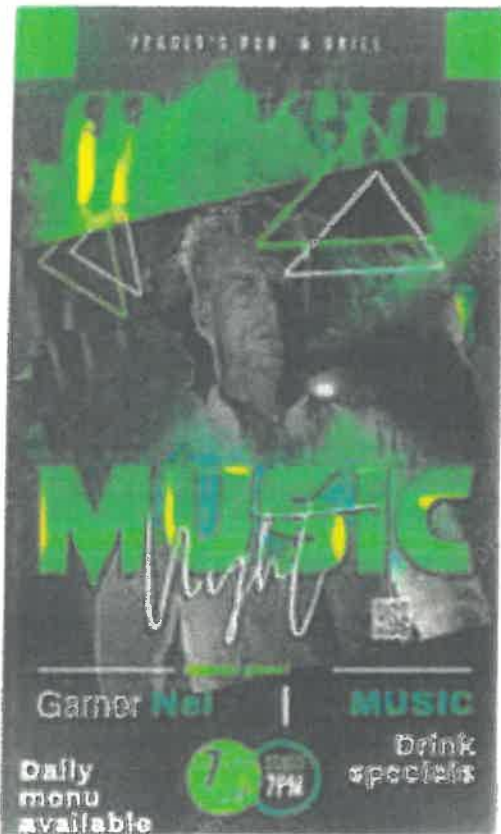
COME CELEBRATE WITH US!

14 June **FRIDAY FROM 18:30**
FEATURING **EUGENE** (LOCAL MUSO) & **SKIPPIES** (LEAD GUITARIST IMPORTED FROM PAARL)

15 June **SATURDAY FROM 14:30**
FEATURING **EUGENE** (LOCAL MUSO)
FROM 18:00 THE FAMOUS GARNER NEL

LIVE MUSIC





Pearly's Pub & Grill
FALL WEEKEND

Friday 4th October
Happy Hour. Drinks on Special...

Saturday 5th October.
Don't miss out "The Well known"... **GARNER NEL LIVE**

Sunday 6th Oct...
SUNDAY LUNCH!!
Orders to 0621572319






Jared Prior

...

Hey all... Super excited to be back at pearly beach this weekend. On 19 October '24 I'll be performing at Pearly's Pub & Grill at Pearly Beach [From 18:30 till well into the night](#) See y'all there... Any requests?? Lemme know... 🙌


#pearlybeach #livemusic #rockmusic #formyde #forevergrateful #musician #musiclife #westemape #hyp#viral👉 Kfm 94.5 Whale Coast FM Caledon Fm



PEARLY'S PUB & GRILL

Fridays

From 7pm



EUGENE The Music Man
Fantastic Bar and
Meal Special.

Pearly's Pub & Grill

Come... And Join us on the 14th December from 7pm.. To the Pub's Dress up Christmas Party.. Bring out you Tinsel, your xmas lights, your Elf suit, all your xmas bling, or just come as a xmas tree.. PRIZES!!!!

Gene....will be entertaining the night away

Free Entry

Bar Specials, Kitchen Specials..

And further .ore we going to boogy the Night Away!!!

Please Book!!!



- 10 -

The introduction of a bottle store in Pearly Beach aims to enhance the range of services available to residents and visitors, contributing to the town's local economy while maintaining the existing character of the area.

S.T. Comments No. 12. to PATARP motivation immediately above:

1.

The only reason the suggested "existing character of the area" would be "maintained" by the introduction of a bottle-store, would be that unlawful situation starting after the original restaurateur, H v Wyk, ceased operating (before my wife and I moved to Erf 1762, Main Road in 2014). We had occasionally visited Henry and Suzette van Wyk's licensed restaurant, 'Suzle's Pub & Grill' at Erf 639, 9 Law Street in 2012/13 with my late father, whom Henry kept an eye on for me until I could relocate to care for him in his advanced age (he passed a week before his 90th in October 2016). We found the establishment at that time to be one of elegant dining, accompanied by light background music, in accordance with a restaurant. This

was the approved 'restaurant' we factored into our area assessment before purchasing.

2.

By the time we purchased In Main Road and moved in February 2014, we found that "Suzie's Pub & Grill" had folded, but a string of increasingly unlawful abuses of that original liquor licence WCP039289 started to appear, the first branded management being "Stacie 7 Pub & Grill". According to the WCLA, the original liquor licence was being 'rented' from Mr van Wyk by the owners, Mrs J.C. Koekemoer and/or her husband; Mr J.J. Koekemoer, who finally took transfer of Mr van Wyk's licence into his name on 26 August, 2022, changing the name of the business to the second branded management, "Beach Vibes" and thereby assuming direct responsibility for the future abuse of the liquor licence from the owner, Mrs J.C. Koekemoer.

3.

Mrs J.C. Koekemoer nevertheless remains responsible for the premises still being used unlawfully in conflict with the Restrictive Title Deed Conditions, raising questions of motive for the full reasons why the PATARP motivation goes so far, but no further, to refer only to the "fully functional restaurant". The third and current branded management of the restaurant, "Pearly's Pub and Grill", is undoubtedly the most brazen violator of all (though Vibes was rough), combining many hallmarks of a nightclub and place of loud Live Music Entertainment.

S.T. Further Comment No. 13. to PATARP's "fully operational restaurant" 2-12 above:

I have done due diligence research on the Western Cape Liquor Authority Database and direct enquiries to the WCLA, receiving feedback from a designated Inspector/Compliance & Enforcement as follows:

13.1. There is a letter on the WCLA file from the municipality regarding the zoning of at the time, which indicated "the premises is zoned for "business" under "Winkel", which includes a restaurant". The only document on the file does NOT state that the sale or dealing in intoxicating liquor is prohibited, but that a 'drankwinkel' is not allowed (S.T. Routine for a "Licenced Restaurant").

13.1(a) *This does not, against the Restrictive Title Deed Conditions (RTDCs) in place then and now, constitute a valid approval for a licenced restaurant, though the liquor licence remains technically valid, because the municipality wrongly endorsed it 13-years ago, without due consideration of the RTDCs, in itself a serious regulatory violation. (ST No. 8)*

13.1(b) *Furthermore, because of the increasing abuse of the conditions of the licence, the "licenced premises" owner, Mrs. J.C. Koekemoer, and the "licenced business" holder, Mr. J.J. Koekemoer, because these were both wrongfully approved due to Municipal procedural error, are both responsible for subsequent ongoing Restaurant liquor abuses.*

13.1(c) *Presently, moreover, the Applicant, Mrs. J.C. Koekemoer, is not only responsible for the improper activities on her property, knowingly in violation of the RTDC conditions, but also violation of the "Duties of the Applicant" (8) on the basis of information provided in present application, possibly inaccurate, misleading, misrepresenting, or false. (8-12)*

13.2. WCP039289 Suzies Pub & Grill Pearly Beach was applied for in 2011 and approved in 2012. The original applicant stated that: "Emphases will be on Food and NOT liquor, which means that the restaurant must be the main source of income. Conditions imposed are that: "the business should remain that of a restaurant and any liquor consumed must be accompanied by a meal". Perhaps a forensic investigation of the dual income streams should be conducted to determine what these reveal in terms of compliance with original approval.

13.2 (a) The transfer process is not the same as a new licence Sect. 36 application, so the licence is still not lawfully approved by the Municipality, because it is in conflict with the Restrictive Title Deed Conditions. Loopholes have been exploited for 10-years by Mr J.J. Koekemoer as the "renter" of the licence from the original restaurateur/holder of the liquor licence since their operation closed. Since 26 August 2022, Mr J.J. Koekemoer as transferee licensee bears full responsibility for any abuse of the liquor licence and Mrs J.C. Koekemoer, as owner, bears responsibility for the abuse of the property.

13.2 (b) It is true that once a condition is registered in the title deed by the Register of Deeds, it bestows a real right in favour of beneficiaries. (In this case, myself and neighbouring property owners). (Franchise v RCSA 2019 AGPJHC 75, citing Ex parte Saiga Properties 1997, quoting Rovián Trust 1983) With approval, the court stated: "Given the nature of the conditions of title and rights thereby conferred, they cannot be removed, varied or suspended "except with the 'consent of all parties whose rights and interests are regulated thereby'." The Franchise judgement concluded "refusal of consent to removal of a restrictive condition is fatal!" Accordingly: My consent is refused! A single, reasonable refusal in the public interest is sufficient.

2. APPLICATION DETAILS

Application is made for / in terms of:

- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the removal of restrictive Title Deed conditions.
- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, for a consent use of Erf 630 Pearly Beach to establish a bottle store within an existing building.

S.T. Comments No. 14 to PATARP motivation immediately above:

My consent is expressly refused! - for the motivated objections lodged above and here below.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

Erf 639, Pearly Beach, is located on the ~~eastern~~ side of Pearly Beach, near the main entrance road, within a block designated for business purposes. Building plans for a restaurant have been approved, and the property is currently being utilized for that purpose. Parking bays are situated along the southern boundary of Erf 639, adjacent to Law Street. Please refer to the attached locality map for further details.

S.T. Comments No. 15. to PATARP motivation immediately above:

How approved and how utilised for the purpose of a restaurant; when rather a bar and nightclub?

3.2 ZONING

The subject erf is zoned ~~Business Zone 3~~, Local Business Zone. The primary land use rights and consent uses in terms of the Business Zone 3 zoning are as follow:

- a) ~~Primary uses are: shops, restaurant~~
- b) ~~Consent uses are: bottle store, place of worship~~

S.T. Comments No. 16. to PATARP motivation immediately above:

I have abbreviated the primary and consent lists to those under consideration and juxtaposed the bottle store with that of a place of worship to emphasise the point that there is no special place for a bottlestore. I must also point out that there are major zoning conflicts in the history of the premises at Erf 639, and if the litany of violations of the so-called 'restaurant' zoning approval is anything to judge by, there will be insurmountable reversal problems with the bottlestore, should consent be granted.

3.4 PROPOSED APPLICATION

- In terms of Chapter 4, Section 16(2)(f) of the ~~Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020~~, for the removal of restrictive Title Deed conditions.

- In terms of Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, for the consent use of Erf 639 Pearty Beach to establish a bottle store on the subject property

However, a bottle store is not included as a primary right within this zoning. Instead, the regulations specifically allow for the establishment of a bottle store under a consent use, meaning that additional approval is required to introduce such a facility on a property zoned Business Zone 3.

S.T. Comments No. 17. to PATARP motivation immediately above:

There can be no approval without the consent of all the beneficiaries, namely myself and surrounding property owners. I object to the proposed removal of the RTDCs and land use consent changes.

The definition of a "bottle store" in the Zoning Scheme is clearly outlined as:

"An establishment where the main purpose is the retail sale of alcoholic beverages for off-site consumption."

S.T. Comments No. 18. to PATARP motivation immediately above:

Both on and off sale consumptions of intoxicating liquor are rejected as per Mrs J.C. Koekemoer's father's wishes. The Municipality must learn from its past mistakes and moreover make amends.

In the context of Erf 639, Pearty Beach, applying for a consent use to introduce a bottle store would be essential, as the current zoning permits this through a regulatory process rather than as an automatic right. The approval of such a consent use would allow for the establishment of a bottle store within the existing structure, ensuring compliance with municipal regulations.

S.T. Comments No. 19. to PATARP motivation immediately above:

Compliance with municipal regulations seems to me to mean very little in the history of Erf 639 P.B. and I must play my regulatory role ensuring compliance with the laws of the land, on this problem property.

In conclusion, while Business Zone 3 does not automatically allow for a bottle store, the provision for consent use under this zoning category opens the door for the establishment of such a facility, provided the necessary approvals are obtained.

S.T. Comments No. 20, to PATARP motivation immediately above:

I object against any approvals, by expressly withholding my consent to these proposals.

3.4.1. Proposed Removal of Title Deed restrictions:

Van Zyl Kruger Attorneys were engaged to provide a conveyancing certificate confirming whether the Title Deed contains any restrictive conditions.

S.T. Comments No. 21, to PATARP motivation immediately above:

Clearly, this should have been done correctly first time around when the owner's of this property supported the original liquor licence for the Restaurant. God knows how long the Koekemoers have known about the RTD Conditions and thereafter knowingly exploited the lacunae so created. Perhaps a forensic investigation would provide information we as residents deserve in the public interest.

Upon review, the enclosed Title Deed (T36441/2005) and pivot Title Deed T833/1991 include the following restrictions:

- Page 3, paragraph C(4)(b): "It shall be used for shop purposes only."
- Page 4, paragraph (D)(2): "The registered owner or any occupant of the said land shall not permit or suffer to be erected or displayed thereon any hoardings or advertisements whatsoever except only bona fide notice that the property is for sale, and any sale or dealing in intoxicating liquor in the said land is likewise prohibited."

S.T. Comments No. 22, to PATARP motivation immediately above:

Here we have the hidden truths exposed for the first time. Shocking to think how long we and others have needlessly suffered under the nuisances, let alone how many lives, young and old, have been ruined by the easy, essentially unlawful availability of intoxicating liquor at the very premises that Jeremiah Puren, in his wisdom, prohibited in his last will and testament and indelibly in his title deeds bequeathed to his privileged daughter, only to have his best intentions spurned by this application, to

extend and amplify the nuisances and the harms he, in his profound wisdom, attempted to prevent.

The need to address these Title Deed restrictions arises from the following:

- Restriction on Shop Purposes: The proposed bottle store does not fall within the definition of a "shop" and therefore requires an application for consent use. The Title Deed restricts the land use to "shop purposes only," which does not include a bottle store. To align with the primary rights set out in the Overstrand Municipal Land Use Planning Scheme, 2020, for properties zoned as Business Zone 3, we request the removal of the restriction on Page 3, paragraph C(4)(b), which states: "It shall be used for shop purposes only."

S.T. Comments No. 23, to PATARP motivation immediately above:

The request is rejected from my side as being ill-conceived and not in the public interest.

- Prohibition on the sale of intoxicating liquor: As a bottle store is being proposed, this use conflicts with the Title Deed's restriction on the sale of intoxicating liquor. The relevant clause reads: Page 4, paragraph (D)(2): "The registered owner or any occupant of the said land shall not permit or suffer to be erected or displayed thereon any hoardings or advertisements whatsoever except only bona fide notice that the property is for sale, and any sale or dealing in intoxicating liquor in the said land is likewise prohibited." We are seeking the removal of this restrictive condition to permit the establishment of the bottle store.

S.T. Comments No. 24, to PATARP motivation immediately above:

The request is rejected from my side as being ill-conceived and not in the public interest.

In accordance with Chapter 4, Section 35(4) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, and Section 39(5) of the Land Use Planning Act, 2014, the Municipality must consider certain criteria when evaluating the removal, suspension, or amendment of restrictive conditions. The municipality must consider the following:

S.T. Comments No. 25, to PATARP motivation immediately above:

There are 6 bulleted un-numbered headings. I numbered them thus for ease of reference.

(The Municipality must consider the following - Bullet 1)

- 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 vested in the person as the owner of a dominant tenement.

The restrictive Title Deed conditions currently applicable to Erf 838 Pearly Beach limit the property to "shop purposes only" and prohibit the sale of intoxicating liquor. These restrictions may have originally been intended to regulate the nature of businesses and maintain a particular character within the area. However, given the evolving needs of the community and the current underdeveloped business node, these conditions now inhibit the full economic potential of the property.

S.T. Comments No. 26, to PATARP motivation immediately above:

I am insulted at the suggestion that the original restrictions placed on the title deeds by the founding fathers of the Pearly Beach Township, in particular, Mrs J.C. Koekemoer's own father, may have initially intended to regulate the nature of businesses and maintain a particular character within the area. There are no compelling evolving economic needs that could ever over-ride the founder's vision from being realised. The only blight on their vision has been the unlawful municipal approval of the licenced restaurant, against the existing restrictive title deed conditions exposed in my report and the continuing abuses via said municipal mischief, with seeming impunity until now that we are so alerted.

There is no significant financial or personal value associated with these restrictive conditions for any surrounding property owners or the community at large. In fact, the current restrictions limit the viability of the proposed bottle store,

S.T. Comments No. 27. to PATARP motivation Immediately above:

My wife's and my right to a peaceful night and as quiet a day as legally possible are of great personal value. I sleep on a mattress on my desk in my study, especially over weekends and holidays. My wife, since our elevated bedroom fronts on Main Road, faces the full onslaught of excessively loud revelery and/or loud live music entertainment from inside, and the further unlawful loitering revelery outside the premises, and even later, the loud goodbye voices, hooting and roaring of vehicles, as well as the drunken hooliganism and littering patrons on foot, often bottles or cans in hand, heading home via Law Street and Main road, which have no refuse bins, disturbing residents well after 2.30 am.

Furthermore, the removal of these conditions will not negatively impact surrounding properties, as the proposed bottle store will be located within an existing building and carefully managed to avoid any undesirable effects.

S.T. Comments No. 28. to PATARP motivation Immediately above:

If the restaurant is a measure of the the applicant's careful management to avoid any undesirable effects, then there is no encouragement in these empty assurances. Ther are no plans whatsoever presented here to evaluate such plans, which would have to be strict conditions on the approval which we, as the surrounding community of residential property owners (See my adapted location map page 3). This empty assurance serves to heavily disqualify the present application from serious consideration.

(The Municipality must consider the following - Bullet 2)

- The personal benefit which accrues to the holder of rights in terms of the restrictive conditions.

The restrictive conditions placed on Erf 639 Pearry Beach, which limit its use to "shop purposes only" and prohibit the sale of intoxicating liquor, offer little to no personal benefit to any individual or entity. These restrictions, which may have once aimed to preserve a specific land use character, are now outdated

S.T. Comments No. 29. to PATARP motivation Immediately above:

Not only are these restrictions not outdated; they are more necessary than ever before, to temper developers and preserve the very personal benefit that we beneficiaries are

entitled to cherish/maintain for posterity for not only ourselves, but future generations.

As for the surrounding property owners, any personal benefit they may have once derived from the restrictive conditions is minimal. The area is evolving with mixed-use development, including residential, business, and utility properties. The restrictions no longer provide meaningful protection or enhancement to the value or character of neighbouring properties. ... introducing a well-managed commercial service, without negative impacts on the area's character or appeal.

S.T. Comments No. 30. to PATARP motivation immediately above:

My objections are as per my comments at No. 28 above. Again, this insulting empty assurance serves to heavily disqualify the present application from serious consideration.

In summary, the restrictive conditions offer no substantial personal benefit to the property owner or surrounding property holders.

S.T. Comments No. 31. to PATARP motivation immediately above:

Again, as at numbers 28 and 30, such empty assurances disqualify this consideration.

(The Municipality must consider the following - Exhibit 3)

- **The personal benefit which will accrue to the person seeking the removal of the restrictive conditions, if removed.**

The removal of the restrictive conditions on Erf 639 Pearly Beach will directly benefit the property owner, Mrs. J.C. Koekemoer, by unlocking the full commercial potential

Moreover, the approval to establish a bottle store will increase the market value of Erf 639 Pearly Beach, making it a more attractive asset both as a functioning business and in future resale opportunities.

S.T. Comments No. 32. to PATARP motivation immediately above:

Sadly a classic case of the rich getting richer at the expense of the less privileged. This consideration is rejected. It contaminates the application with narrow financial interests.

(The Municipality must consider the following - ~~Table 4~~)

- The social benefit of the removal, suspension or amendment of the restrictive conditions remaining in place.

If the restrictive conditions on Erf 639 Pearly Beach were to remain in place, the primary social benefit would likely be the continued limitation of certain commercial activities, such as the sale of alcoholic beverages, which some individuals or groups may feel could contribute to unwanted social behaviour. By prohibiting the establishment of a bottle store, the community may believe it is preserving the character of the area or maintaining a quieter, more residential environment.

S.T. Comments No. 33. to PATARP motivation immediately above:

Finally, a consideration of the rights of the beneficiaries of the RTD Conditions, but fails to sincerely consider our rights, by insulting our concerns over unwanted social behavior and further degeneration of our right to preserve a quieter, more residential environment. the consideration is rejected with the contempt it deserves and resolve to object heightened.

The restrictive conditions could also be seen as a mechanism for controlling the type and intensity of business operations in the area, ensuring that the nature of commercial activities remains aligned with the original vision for the community. Some residents may value the restrictions for preserving a sense of order, especially in an area that includes residential, open space, and community-oriented land uses.

S.T. Comments No. 34. to PATARP motivation immediately above:

Again our rights to preserving a sense of order, is insulted. Rejected with contempt.

However, the broader social benefits of keeping these restrictive conditions in place appear limited. As Pearly Beach evolves and its commercial and residential needs change, the restrictions may hinder the area's potential to grow and meet the needs of its residents. Additionally, the underdeveloped nature of the business node suggests that retaining these restrictions could stifle opportunities for local economic and social development, especially considering the lack of services like a bottle store in the area.

S.T. Comments No. 35. to PATARP motivation Immediately above:

As residents already familiar with the degeneration of Erf 639, I do reject this against aforementioned protective vision of the founding fathers for heart of town.

In summary, while the restrictive conditions may have once been socially beneficial by maintaining a certain type of land use, their continued enforcement offers little advantage to the community in the present context and could actually restrict social and economic progress in Pearly Beach.

S.T. Comments No. 36. to PATARP motivation Immediately above:

I must reject the contention that social progress would be restricted by said restrictive conditions. Any social advantage of a bottle store would be superficial and transitory, restricted to the period of intoxication, followed by well-documented extensive social harm repercussions which extend into perpetuity, such as alcohol induced diseases, as well as unwanted pregnancies, often with alcohol-associated birth defects and impoverishment and inability to remain gainfully employed, plus risks like accidents.

of the removal, suspension or amendment of the restrictive conditions

- The social benefit of the removal, suspension or amendment of the restrictive conditions

The removal or amendment of the restrictive conditions on Erf 639 Pearly Beach will bring significant social benefits to the local community, especially considering the current absence of a bottle store in Pearly Beach.

S.T. Comments No. 37. to PATARP motivation Immediately above:

I strongly object to statement that there will be significant community social benefits.

37.1

Already at least one fatality has arisen out of an altercation arising between two intoxicated young men at the bar at 9 Law street leading shortly thereafter to a high speed partial head-on single fatality collision between said patrons, in the Main Road between the village and R43 crossing. The booze still flowed and the revelry continued.

37.2

Reportedly, the accident, was caused by the sole survivor, many times over the legal alcohol limit, the victim not finishing what would have caused him to reach his limit before leaving the bar, reportedly under threats of aggression, which shortly occurred. Reportedly the SAPS investigation left a lot to be desired and since, IPID has stepped in.

37.3 **VICARIOUS LIABILITY & IMPUTATION OF CRIMINAL LIABILITY**

A bottlestore will merely serve to amplify the numerous harms from access to easy liquor. At this juncture, I wish to raise relevant legal principles that come into play if either, and/or the Owner / Licensee; and Municipality do not take immediate remedial responsibility.

The Principle of Vicarious Liability

37.3 (a)

I take my cue from a 2023 report to the Western Cape Provincial Government by DGM Trust, which did extensive research into alcohol harms and the dismal efforts by the Western Cape Provincial Government Legislature to adopt the published National Norms and Standards into legislation which would be mandatory for Municipalities to enforce in all their various Western Cape jurisdictions.

37.3 (b)

The Trust made detailed policy recommendations to the Western Cape Provincial Government, but being realistic in its expectations, it reminded and advised that in the interim, *"Municipalities are enabled to act against unrelenting violators under the Liquor Act No. 59 2003, Imputation of Criminal Liability. Section 36 (1)&(2)".* (I have appended a reference collage after my signature below)

37.3 (c)

Furthermore, in addition to their advisement (also in my appended collage) the Trust pointed out that: *"Provision for Vicarious Liability of Licences for violations by managers, employees, or agents is certainly worth considering more broadly, in terms of Section 332(1) of the Criminal Procedures Act, 51 of 1977, since even corporate entities can be held vicariously liable for illegal actions or omissions under the auspices of their business".*

The presence of a well-managed bottle store will contribute to the overall vitality of the business node. The store will be carefully managed to minimize any potential negative effects on surrounding residential and business properties, ensuring that it complements rather than disrupts the social fabric of the area.

S.T. Comments No. 38.(a) to PATARP motivation immediately above:

Again, pathetic empty assurances of a well-managed bottle store and minimising 'any' potential negative effects on surrounding residential properties, without an lots of a mitigation plan for consideration by the community for approval conditions by the Municipality. Please see my Adapted Location Plan on page 3 for the proximity of residential premises to the existing unlawful "Den of Iniquity" at the premises at 9 Law street, of all places. Perhaps a Police Station would be a better alternative.

S.T. Comments No. 38.(b) to PATARP motivation immediately above:

Please also see my evidence of violation of Municipal, Provincial and National by-laws at my prior comments at no.s 2, 3, 4, 5, 9, 10, 11, 12.1., 12.2. 12.3. and 13.1.(a), (b), & (c) and 13.2., as well as 28., 30. and 31.

In conclusion, removing the restrictive conditions will provide a direct social benefit by enhancing local access to services, stimulating economic activity, and promoting sustainable development without negatively impacting the surrounding community.

This change will meet the evolving needs of Peary Beach's residents while supporting the growth of a balanced, mixed-use business environment.

S.T. Comments No. 39. to PATARP motivation immediately above:

The balance has already tipped out of kilter with the unlawful activities on Erf 639.

(c) Whether the removal, suspension or amendment of the restrictive

conditions will completely remove all rights enjoyed by the beneficiary or only some of the rights

The removal or amendment of the restrictive conditions on Erf 639 Pearly Beach will not result in the complete removal of rights enjoyed by the beneficiaries of these conditions. Rather, it will only affect specific rights related to the land use restrictions that limit the property to "shop purposes" and prohibit the sale of alcoholic beverages.

S.T. Comments No. 40. to PATARP motivation immediately above:

Removal, or amendment of RTD Conditions sought, will certainly result in complete removal of rights enjoyed by us beneficiaries, since once removed, or amended, there is no prospect of going back to our entrenched rights to village peace and safety of as existed previously. A case in point is the pending battle to reverse Municipal misapproval of the licenced 'restaurant', which degenerated into a bar, to a tavern, to a pool-room, to a dance-hall, to a nightclub and to a place of loud live entertainment.

The broader regulatory framework established by the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, and applicable zoning regulations, will continue to provide oversight and governance over how the property is used and developed. This ensures that beneficiaries still enjoy protections and municipal controls that guide land use in Pearly Beach, even after the restrictive conditions are removed.

S.T. Comments No. 41. to PATARP motivation immediately above:

There is little enforcement of any broader regulatory framework established by the Overstrand Municipality's Amended By-law. I have at my Comments no. 8, on page 6, invoked the relevant sections of the "Duties of the Applicant" and "Enforcement" over both the Municipality's and the Applicant's responsibilities/violations of the By-laws.

In accordance with Section 47 of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA), removing these restrictions will not violate the constitutional rights of any person, including those residing or conducting business in the surrounding area. will not completely strip beneficiaries of their rights, but instead balance the property owner's interests with continued municipal oversight.

S.T. Comments No. 42. to PATARP motivation immediately above:

As stated above, there will be a violation of the rights of property owner beneficiaries in the surrounding area (Please see my Adapted Location Map on page 3). Please see my comments on Municipal Regulation, Oversight and Enforcement throughout.

(This marks the end of the six bulleted mandatory Municipality considerations)

3.5 CHARACTER OF THE ENVIRONMENT

The bottle store will be carefully managed to avoid attracting undesirable elements, and measures will be implemented to minimize any potential negative effects on surrounding residential, business, and utility properties.

S.T. Comments No. 43. to PATARP motivation immediately above:

No matter how often the mantram of careful management of the property and control of undesirable elements, is repeated, it remains an empty assurance, devoid of truth.

With the residential flats and other developments already in place, the bottle store is expected to integrate smoothly into the local community, enhancing the commercial activity without negatively impacting the environment or surrounding properties. This proposal supports the growth of the local economy while maintaining the area's mixed-use balance and preserving its established character.

S.T. Comments No. 44. to PATARP motivation immediately above:

This is as good a place as any to mention the close proximity of Erf 639 to Erf 607, across the road, which Erf 607 is privately owned land earmarked for Group Housing prior to present application and which comprehensive planning was approved before the original licenced restaurant was municipally mis-approved. (My Location Map page 6)

3.6 POTENTIAL OF THE PROPERTY (DESIRABILITY OF THE PROPOSED UTILIZATION)

The bottle store will complement the existing restaurant, creating a synergistic effect that can boost foot traffic and enhance the overall vibrancy of the area. By providing a new retail option, the proposal contributes to the local economy, supports job creation, and encourages further commercial development in Peary Beach.

S.T. Comments No. 45. to PATARP motivation immediately above:

More fanciful drivel, Please see further comments at No. 52 "Impact on the Biophysical Environment" for discussion around the issues of contributing to the local economy and supporting job creation.

3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.7.1 PROVISION OF SERVICES

The proposed bottle store will be established within a portion of an existing building approved for use as restaurant will be repurposed exclusively for the sale of alcoholic beverages. The bottle store will operate within the framework of the current zoning regulations, further solidifying integration into the established business environment.

S.T. Comments No. 46. to PATARP motivation immediately above:

I have revealed that the 'restaurant' as referred to throughout, actually constitutes an undeclared licenced premises unlawfully against the RTD Conditions, a deliberate omission that constitutes an offence in terms of Section 84(1)(e) of the Municipal By-Laws. In this case, the so omitted parameters are serious in the current context that follows hereunder.

Obscuring the reality behind the stragic description as a "fully functional restaurant" is grossly misleading mischief, creating several additional weighty external services considerations (See nos 47-49) and also creating a situation where the access to alcoholic beverages would be doubled via a new bottlestore in addition to the existing illegal "bar.

It is imperative that the Snr. Town Planner and Municipal Manager are cognisant of the missing facts exposed by me earlier, in order to determine what the Applicant and the unmentioned on-consumption liquor licensee seek to achieve with this application, which prima facie, appears possibly to be a fraudulent attempt to regularise the unlawful

approved licence so as to legitimise the licenced restaurant, whilst removing the RTDCs, ostensibly to clear the also for the bottlstore, one or both of which presently unlawful.

I caution the Applicant to seriously consider the violations against their legal obligations; and the Municipality, to consider their own by-law responsibilities, as well as higher National and Provincial alcohol harms reduction policies when investigating and subsequently adjudicating this application. I respectfully request to be officially informed.

It was pure fluke that I even learned of the notice, without which the adjudicators might have considered the present application; and not seriously challenged, approved it, again to the nuisance detriment of all beneficiaries, yet this time with no recourse whatsoever.

3.7.2 TRAFFIC IMPACT, PARKING AND ACCESS

As previously noted, the use of Erf 639 Pearly Beach, will continue as a business site with its primary function as a restaurant. However, a portion of the building, will be repurposed to a bottle store. Importantly, this does not create any additional shopping space; rather, it involves modification of the land use for part of the existing restaurant.

S.T. Comments No. 47. to PATARP motivation immediately above:

There will be no restaurant, nor bottlstore for reasons heretofore and hereafter. This Traffic Impact, Parking and Access is fatally flawed and badly misrepresented. The elements of the blind hill 'BH' down Main Road; the sharp corner 'SC' into Law street; the fire hydrant 'FH' on the left up Law street, just at the bottleneck before the parking on the right 'P', all conveniently ignored. Black line illustrates proximity between Erf 762 and 639.



S.T. Comments No. 48 to PATARP motivation immediately above:

The immediate problems here are the congestion from down Main Road blind hill; possibly held-up by the sharp left U-bend into Law street, bottle-necked towards the fire hydrant just prior to the parking at the problem premises on the right. Further complications are the speed-bump just out of sight in the foreground, which may congest and block the turnoff down from Main into Law, risking rear-ending from over the hill, and also the second feed into Law seen by the white arrow on the road, which will force dedicated traffic veering right into Law to either slow down, or compete for the available width of the road, which thankfully is now a one-way, though this does not stop drunks from heading down Law into the chaos, which at least has those reversing out of the parking bays at the problem premises with the traffic the flow, whereas those obeying the directions, are be forced to reverse into oncoming traffic in Law (all now further complicated by the recent construction of a short wall preventing a requisite safety check.

This continuity in parking requirements ensures that the transition to a bottle store will not disrupt the current access arrangements or worsen traffic conditions. Overall, the proposed change of use is expected to integrate smoothly into the existing traffic and parking framework, maintaining the functionality of the site while serving the needs of the community.

S.T. Comments No. 49. to PATARP motivation immediately above:

As per Nos. 47 & 48 above to counter the known to be false submissions that the

transition, (not to mention thereafter), will not disrupt the current access arrangements or worsen traffic conditions. Forward planning should also factor in the likely (precedent and already altered RTDConditions 15 unit or any alternative) development of Erf 607, which due to the traffic problems in Main Road, will have to be accessed from Law street. The grossly misleading claims under 3.7.2. Traffic, Parking & Access are hereby rejected.

3.8 TITLE DEED

The Title Deed T36441/2006 have restrictions that need to be removed in order for this application for consent use to be approved. Please refer Section 3.4.1 above.

S.T. Comments No. 50. to PATARP motivation immediately above:

Again, I refuse to grant consent to removal of RTDConditions & consent use change.

3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.9.1 HERITAGE VALUE

The proposed change of use for a portion of the existing building to a bottle store will have no impact on the heritage value of the property or the surrounding area. The outer appearance of the building will remain unchanged, aside from the branding specific to the proposed bottle store.

S.T. Comments No. 51. to PATARP motivation immediately above:

Unlawfully Municipal approved prohibited licenced restaurant/pub/night club/place of loud live music entertainment; and now a prohibited bottlestore with prohibited branding, without safe access to nor parking. I refuse to grant consent to removal of RTDConditions & consent use change.

3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

This assessment indicates that the proposed change will not have significant adverse effects on the biophysical environment, there will be no disruption to the surrounding ecosystem, land use, or natural resources. The proposal aligns with sustainable development principles by ensuring that existing infrastructure is utilized efficiently without necessitating new construction or environmental degradation.

S.T. Comments No. 52. to PATARP motivation immediately above:

Read in conjunction with the constant references throughout hinting at positive aspects around above principles for this application and proposed development, it might be opportune to refer here to references to creating sustainable employment.

52. (a)

If the Applicant's wished to support sustainable job creation, they would do better to start clearing their vast tracts of unrehabilitated alien Roolkrans tree infested land, boosting true sustainable employment and income from firewood sales, and at the same time demonstrating true responsibility to the Pearly Beach community who live in fear every summer at the very real prospect of wild-fires that threaten the very existence of the village and its residents, well knowing Mr J.J. Koekemoer's standard retort that "It's not my problem...I am insured" against every eventuality". The trauma persists and although residences can be rebuilt, fire damaged bodies of animals and humans under orders of evacuation cannot. The dead cannot be brought back to life.

52. (b)

A shining example of good environmental management can be witnessed by the first kilometer or so after the crossroad at the R43, heading to Gansbaai (or the opposite). The North-side of the R43 has a splendidly managed tract of pure fynbos (exception- the road reserve). However, just across the road on the South Pearly Beach side, is a vast tract of of high density, high fuel-load, wild-fire-in-waiting at what is Jan se Bos.

52. (c)

The honourable current Mayor, would do well to keep her promise made to the Pearly Beach community in February 2023, to: "see to it that the by-laws on all transgressing properties, including the municipality's, are strictly enforced as a matter of priority".

52. (d)

The Biophysical Environment, daylight and nocturnal, are fragile and go far beyond just the transitory disruptions of noisy drunken revelry, traffic and fumes, broken glass, to

also disturbing the sleep, reproductive and balanced food chain of mammalian, avian, amphibian, reptilian, insect, indeed all life-patterns in perpetuity. Bright security lights, once ridiculed in Pearly Beach, are now out of control, including on the wall of the 'bar' and as a result of such thoughtless developments, even the majesty of the milky way is dulled.

3.10 FORWARD PLANNING

This application constitutes the change of use of a portion of an established building used as a restaurant on a property zoned Business Zone 3 to a bottle store. Consequently, the section pertaining to forward planning and its associated subsections are not applicable to this application.

S.T. Comments No. 53, to PATARP motivation immediately above:

I disagree. Forward planning certainly is applicable to this application, as witnessed at my comments at 47; 48; and in particular no. 42 ; yet this would only be one major obstacle.

Given that the proposal involves repurposing an existing space within the current zoning framework, there are no significant implications for long-term land use planning, community development strategies, or infrastructure requirements.

S.T. Comments No. 54, to PATARP motivation immediately above:

I disagree. Please see my comments at 47; 48; and in particular no. 42

3.11 PLANNING PRINCIPLES

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience of this application can be described as follows:

Spatial Justice:

In the context of the proposed change of use for a portion of the building on Erf 639 Pearly Beach, to a bottle store, the concept of spatial justice plays a vital role in promoting inclusive growth and community well-being.

By providing local residents and visitors with convenient access to retail options for alcoholic beverages, the proposal helps to enhance the overall quality of life and support local economic activity.

This approach not only serves the immediate community but also contributes to the broader goal of creating vibrant, mixed-use environments where various socioeconomic groups can thrive.

Overall, the bottle store is positioned to foster a sense of community, enhance local amenities, and contribute positively to the social fabric of the area.

S.T. Comments No. 55. to PATARP motivation immediately above:

Transparent flowery PATARP nonsense. What community wellbeing; enhancement of the overall quality of life; or sense of community, contribute positively to the social fabric of the area as the result the addition of a bottlestore next to the 'den of iniquity' in the same premises? Doubletrouble. I personally have a hard time believing that Mrs J.C. Koekemoer is behind this application at all. I will not speculate who is, its all too obvious.

As for Plan Active Town and Regional Planners, the instigator of this application deserves whatever slacker was delegated to this poor Motivation. What this Spatial Justice drive does not say, is far more important. I am particularly interested in the socio-economic nonsense, given that we are talking about access to intoxicating liquor, which is well known to lead to impoverishment and hence to increased criminality. (No 37 and 51. (a))

Spatial sustainability:

Spatial sustainability refers to the responsible and equitable use of land and resources to meet present needs without compromising the ability of future generations to meet their own mixed-use development essential for creating vibrant, resilient communities.

S.T. Comments No. 55. to PATARP motivation immediately above:

I have commented ad nauseum above.

Efficiency:

The existing provision of parking bays, accessible from Law Street will adequately accommodate expected customer volume without necessitating further development.

Additionally, by introducing a bottle store in an area currently lacking such a facility, the proposal improves local accessibility to essential goods, a reduction in traffic congestion and associated emissions.

S.T. Comments No. 56. to PATARP motivation immediately above:

Please see my definitive rebuttals of the above at my nos. 47; 48; & 49

Spatial Resilience:

Spatial resilience is not applicable to this application.

S.T. Comments No. 57. to PATARP motivation immediately above:

I strongly disagree. Spatial Resilience is precisely that which is profoundly inhibited by alcohol abuse; namely the ability of our and all life (affected by the 'bar' and heaven forbid, an added bottlestore) to recover from unexpected shocks and disturbances (such as the challenge presented in the present application as objected to me above). In fact, 'resilience' has become essential in spatial planning, often displacing sustainability as a reference frame. Application of resilience now encompass a more diversified perspective that includes human social ecosystems, risk reduction and security resilience. No wonder this principle was ignored.

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.

S.T. Comments No. 58. to PATARP motivation immediately above:

Against all the above in this Application by Plan Active Town and Regional Planners, I am quite shocked at the demeaning approach to important issues and the over-emphasis on financial interests over negatively affected residents. On my scorecard: 1 out of 10.

4. RECOMMENDATION

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

S.T. Comments No. 59. to PATARP motivation immediately above:

I have been through PATRAP's points for evaluation. I am not going to repeat input, but I sum up the dismal failures leading to most very certain disqualifications, namely on that of:

(1) Legal authority of Restrictive Title Deed Conditions; (2) Unlawfully approved use for licenced so-called 'restaurant', actually more a by-law 'unapproved' bar, nightclub and place of loud live entertainment; (3) Assurances of alleged careful-management; (4) Assurances of alleged regulatory authority oversight & enforcement; and (5) Assurances of alleged adequacy of parking, traffic flow and associated hazards. The brevity of this list does not exonerate those unlisted, which must likewise be evaluated via all comments.

Overall, supporting the application for the bottle store signs with community needs and promotes a thriving, sustainable environment in Pearly Beach. With reference to the above is it our opinion that the proposal for a consent use and the removal of restrictive Title Deed conditions for a bottle store can be supported for your favourable evaluation.

S.T. Comments No. 60. to PATARP motivation immediately above:

Overall, on the basis of my submissions as a whole, I strongly advise against any support for the applications for Removal of the Restrictive Title Deed Conditions and Changes of Consent Use. There is no reason to head down the route of legal conflict with either the Applicants or the Municipality, which with any approvals would be certain into perpetuity.

I do not at all support the application and request that it be rejected on the demerits.

To be most specific, I uphold my objections to all the points raised above against the PATARP Motivation and I accordingly withhold my personal valid consent as a beneficiary, to the Removal, Suspension, or Amendment of the Restrictive Title Deed Conditions and also my consent to any Change of Use.

I, Stuart Thomson, do hereby swear, that my comments/objections above and hereunder, (within said noted information liabilities) are to the best of my knowledge, true and correct.

Yours Faithfully



Stuart Thomson

19 December 2024

APPENDIX

Stuart Thomson Collage

"Principle of Vicarious Liability"

Vicarious responsibility (1) If the manager, agent or employee of a licensee sells liquor in contravention of section 5(2) of this by-law, the licensee is deemed to have sold such liquor, except where – (a) the licensee neither connived at, permitted or allowed such sale; (b) the licensee took such steps as he or she was reasonably able to take in order to prevent the sale; and (c) the sale did not fall within the scope of the employment or authority of the manager, agent or employee. (2) The fact that a licensee has issued instructions prohibiting such sale is not in itself sufficient to prove that he or she took the steps required by subsection (1)(b). (3) When a licensee is liable in terms of subsection (1) the manager, agent or employee is also liable as if he or she was the licensee." DGM Trust 2023

No. 530

THE PRESIDENCY

26 April 2004

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 59 of 2003; Liquor Act, 2003.

2 No. 26294

GOVERNMENT GAZETTE, 26 APRIL 2004

Act No. 59, 2003

LIQUOR ACT, 2003

Imputation of criminal liability

36. (1) If a manager, agent or employee of a person commits an offence by performing or omitting to perform an act and such performance or omission would have constituted an offence had it been done by the person, that person is equally guilty of the offence if the act or omission fell within the scope of the authority or employment of the manager, agent or employee concerned and the person—

(a) either connived at or permitted the act or omission by the manager, agent or employee concerned; or

(b) did not take all reasonable steps to prevent the act or omission.

(2) For purposes of subsection (1), the fact that a person issued instructions prohibiting an act or omission is not in itself sufficient proof that all reasonable steps were taken to prevent the act or omission.

Provision for vicarious liability of licensees for trading hour and other violations by their managers, employees or agents is certainly worth considering more broadly. In this regard, it is notable that, in terms of section 332(1) of the Criminal Procedure Act, 51 of 1977, even corporate entities can be held vicariously criminally liable in certain circumstances for illegal actions or omissions under the auspices of their business.

Delayed Appendix to 9 Law Str Erf 639 Pearly Beach - Stuart Thomson Objections to removal of RTDConditions (X3)

Arising from my situation when my PC crashed this time last week, although I did timeously lodge a full Submission on Thursday 19 Dec. to assure my meeting the deadline, I nevertheless omitted the following photographs, in case I ran into further unforeseen delays or communications trouble, given the Administration's tough stance on deadlines. These are intended to serve to better assist otherwise blind evaluators, since a picture is worth a thousand words.

I beg your concession in accepting my bona fides & retrospectively linking this to my submission without prejudice. The photos illustrate the exteriors, showing poor terrain management and blatant disregard for prohibited signage.

Thanks in adance. Stuart Thomson, 23 December 2024.

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
23 DEC 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

*TP. N. Theak
(S. ud w name)*

FILE NO. <i>CF 639</i>
<i>Pearly Beach</i>
SCAN NO. <i>GPB 639(8)</i>
COLLABORATOR NO.
<i>2576554</i>

23 DEC 2024



Noisy bottle shute, broken glass & litter - Pearly's Pub & Grill 9 Law Street Erf 639 Pearly Beach



Pearly Pub & Grill Prohibited Frontal Signage on 9 Law Str Erf 639 Pearly Beach. Note: No Food, just Drinks and Music.



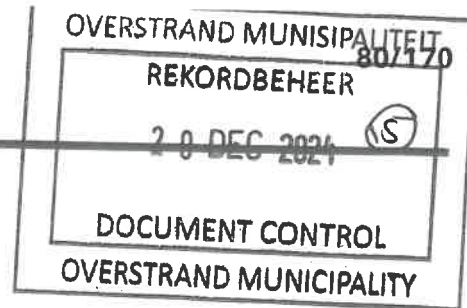
Pearly Pub & Grill Prohibited Side Signage on 9 Law Str Erf 639 Pearly Beach. Note: No Food, just Drinks and Music.

494

Alida Conradie

639 GPB

From: Mags Baleta
Sent: Thursday, 19 December 2024 21:33
To: Alida Conradie



Good day

I Margaret Baleta the owner of 9 Puren Way in Pearly Beach under Sunshine Street Investments Pty Ltd strongly object to the opening of a bottle store in Pearly Beach. We have just bought our house and one of the reasons for investing in Pearly Beach was because it had no bottle store to support excessive behaviour.

Kind regards

Margaret Baleta
Direct of Sunshine Street Investments.



TP- A Theart
(S vld Merkie)

FILE NO.	Erf 639-GPB
SCAN NO.	
COLLABORATOR NO.	2575176

495

Alida Conradie

639 GPB

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER 1/170
20 DEC 2024 (16)
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

From: Ian Martin
Sent: Thursday, 19 December 2024 21:04
To: Alida Conradie
Subject: OBJECTION TO PROPOSED BOTTLE STORE IN PEARLY BEACH

Dear Madam/Sir,

As a concerned citizen and long time resident of Pearly Beach, I object to a Bottle Store in Pearly Beach, as it is not an essential service, and would attract undesirable people in the vicinity. Pearly Beach is primarily a holiday and retirement destination, and all shopping facilities are easily accessible in Gansbaai, just 20 km away.

Yours faithfully,
 Krystyna Martin,
 68 Broadway,

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
20 DEC 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP - A Theart
(S v/d merke)

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2575153

TP 20 DEC 2024

496

Alida Conradie

639 GPB

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER 82/170
20 DEC 2024 (17)
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

From: Eenvanons Basson
Sent: Thursday, 19 December 2024 21:10
To: Alida Conradie
Subject: On the proposed bottle store in Pearly Beach

Dear Madam / Sir

I want hereby to lodge my strongest objection regarding the proposed bottle store in Pearly Beach. This bottle store will alter the character of this quiet respectable town, with people addicted to alcohol hanging around the bottle store all day as we see at the bottle stores in Gansbaai. There will be bottles littered around, and perhaps even alcohol-related violence. We do not need this in our family friendly and children friendly town!

There are enough places where "in-house" alcohol can be obtained, and those who buy their food at the supermarkets in Gansbaai, can at the same time buy their alcohol provisions there. Alternatively they can buy from the shop at the Pearly Beach Oord.

Thank you for this opportunity to speak up, we hope you will hear what the general feeling of our town is, and will NOT grant the permission for opening a bottle store in Pearly Beach.

Yours sincerely

Mrs Engela Basson

Home-owner, 6 Heidestraat, Pearly Beach

(my husband Hennie Basson is home-owner of 69 Charlie van Breda, he is in agreement with this letter.)

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
20 DEC 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP-A Theart
(S vld Merke)

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2575151

TP

20 DEC 2024

Alida Conradie

639 GPB

REKORDBEHEER 83/170 20 DEC 2024 (18)
DOCUMENT CONTROL OVERSTRAND MUNICIPALITY

From: Ian Martin
Sent: Thursday, 19 December 2024 21:13
To: Alida Conradie
Subject: OBJECTION TO PROPOSED BOTTLE STORE IN PEARLY BEACH

TP- A Theart
(S vld merwe)

Dear Sir/Madam,

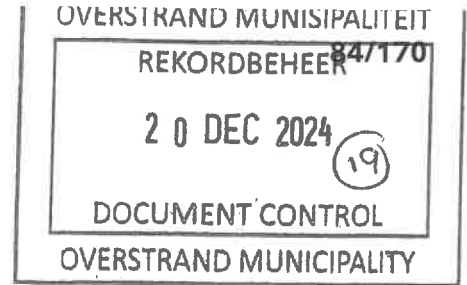
As a concerned citizen and long time resident, I object to a Bottle Store in Pearly Beach, as it is not an essential service and would attract undesirable people to the vicinity.
 Pearly Beach is primarily a holiday and retirement destination, and all shopping facilities are accessible in Gansbaai 20km away.
 I believe the applicant has applied for a licence in the past without success, and thus there is no reason to grant a licence now.

Yours faithfully,
 Ian Martin,
 68 Broadway,

FILE NO. <u>639-GPB</u>
SCAN NO.
COLLABORATOR NO. <u>2575162</u>

TP 20 DEC 2024

TP - A Theart
(S vld Merwe)



Pearly Beach

Ratepayers' Association Belastingbetalersvereniging

P O Box 773 Gansbaal 7220

19 December 2024

alida@overstrand.gov.za

Dear Alida

OBJECTION TO THE APPLICATION FOR CONSENT USE AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS ON ERF 639, PEARLY BEACH

At a Public Meeting hosted by the Pearly Beach Ratepayers' Association, held at the Angling Club, on 22 November, 2024, and attended by 39 people, the unanimous decision of the meeting was that the establishment of a bottle store at Pearly Beach should not be approved.

One of the reasons cited was that there are already two businesses in Pearly Beach where alcohol can be purchased. A third one, would be superfluous, and would not serve the Pearly Beach community in any way whatsoever.

Concern was also expressed that Pearly Beach would experience similar unsavoury behaviour in and around the premises of the proposed bottle store, as is currently experienced in Baardskeerdesbos, around the bottle store that operates in their small business hub.

The establishment of a proposed bottle store is unlikely to attract other businesses into the area, or make any positive contribution to job creation in Pearly Beach.

The Pearly Beach Ratepayers' Association respectfully requests that with these reasons noted, that permission for a bottle store at Pearly Beach be denied.

In the service and upliftment of the Pearly Beach Community

SPCCoetzee (signed electronically)

SHIRLEY COETZEE (Mrs)
CHAIRPERSON: PEARLY BEACH RATEPAYERS' ASSOCIATION

cc: Cllr Steven Fourie; Secretary PBRPA

FILE NO.	Erf639-GPB
SCAN NO.	
COLLABORATOR NO.	2575174

TP
20 DEC 2024

TP-A Theart
(S vld Merwe)

ERF 639, 9 LAW STREET PEARLY BEACH

20 DEC 2024 ^{85/170}

DOCUMENT CONTROL ⁽²⁰⁾

OVERSTRAND MUNICIPALITY

With reference to notice 180/24 regarding the removal of restrictive title deed conditions on erf 639, Law street, Pearly Beach, I, Pieter Gideon Reyneke, owner of Crest 86 Pearly Beach oppose the lifting of the restrictions strongly.

The restrictions were formulated by the original founder of Pearly Beach to keep the character of the town in an unspoilt form. Pearly Beach is near enough to Gansbaai where ample facilities/shops is available for purchasing liquor. In Pearly Beach there are a number of restaurants where liquor can be bought and consumed. At the Oord liquor can be bought at the shop. Therefore the bottle store is not necessary in the town itself.

There is ample evidence in the small towns in the Western Cape as well as other provinces in South Africa where the liquor store led to an increase of violence, misuse of alcohol and chaos due to the misuse. The environment around the bottle stores is polluted with bottles, paper, plastic, loitering people, etc. This is not what the original founder had in mind for Pearly Beach.

The restrictions in the title deed were put in to keep the unspoilt nature and environment of Pearly Beach. When the town planning of Pearly Beach was done many open public spaces were identified and established. The lay out of the erven and the roads was done in a way to prevent a town of small square erven (like Franskraal), but to fit into nature.

If a bottle store or big businesses are allowed the character of Pearly Beach will be spoiled permanently.

The parking available at the proposed liquor shop is not suitable for many vehicles as the applicant stated. The reason for the applicant to improve the economy of the town do not hold water. Alcohol can be bought in Pearly Beach and at the Oord.

I recommend strongly that the application to lift the restrictive condition on erf 639, 9 Law street be turned down.

PG Reyneke

86 Crest Pearly Beach

FILE NO.	Erf 639-GPB
SCAN NO.	
COLLABORATOR NO.	2575183

TP

20 DEC 2024

OVERSTRAND MUNISIPALITEIT
 REKORDBEHEER 86/170
 17 DEC 2024
 DOCUMENT CONTROL
 OVERSTRAND MUNICIPALITY

Alida Conradie

From: Abrahams
Sent: Tuesday, 17 December 2024 11:52
To: Alida Conradie
Subject: Comment - Erf 639 9 Law Street. Pearly Beach

TP- A Theart
(S vld merke)

ERF 639, 9 LAW STREET, PEARLY BEACH:
 APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE: MESSRS PLAN ACTIVE
 TOWN AND REGIONAL PLANNERS ON BEHALF OF JC KOEKEMOER

Name : Lindi and Stephen Abrahams
 Address : Erf 1740, 17 Protea Street, Pearly Beach

FILE NO. Erf 639-GPB
 SCAN NO.
 COLLABORATOR NO.
 2573023

Interest in the Application:

We are residents of Pearly Beach and object to the introduction of a bottle store in our small village.

Reasons for Comment:

Pearly Beach is a Conservancy and as residents of Pearly Beach, we want to protect the natural habitat and preserve the quality of life in the village.

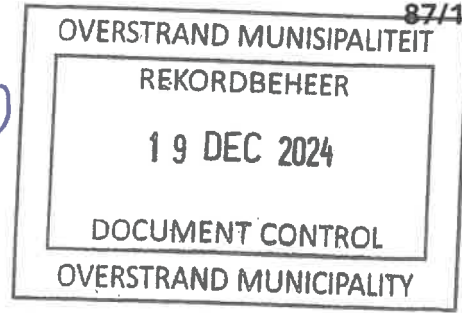
1. A bottle store does not support the overall development goals of Pearly Beach - these goals being to protect the natural habitat and maintain the existing peace and quiet of the area.
2. The community is a mix of holiday home owners and permanent residents who are mostly pensioners and work from home people, of which many are looking to escape the "busy town life". There is no need for a more diverse range of businesses and amenities.
3. Alcohol is not "essential goods" and it is questionable whether it is a 'much needed service'.
4. A bottle store will attract people from outside of Pearly Beach which will increase the traffic on the main road into Pearly Beach, adversely affecting the environment, increasing vehicle noise, exhaust emissions, roadside garbage. Drivers speeding along the main road into Pearly Beach is also a concern and we have already had a buck being run over.
5. Law Street is a narrow one-way road with only 7 parking bays and this could cause traffic congestion and hooting by frustrated drivers trying to get home.
6. Measures will need to implemented to prevent loitering, public drinking, begging and general disturbance in the area in and around the bottle store.
7. There are already bottle stores in Gansbaai and Bardskeedersbos as well as a wine section at the Pearly Beach Resort shop.

TP

17 DEC 2024

Binedell Familie Trust,
Newey Str 11,
Pearly Beach.

TP - A Theart
(S vld merwe)



Die Stadsbeplanner,
Overstrand Munisipaliteit.

17 Desember 2024

ERF 639, LAWSTRAAT 9, PEARLY BEACH: AANSOEK OM OPHEFFING VAN BEPERKTE TITELAKTE: JC KOEKEMOER.

Ons eiendom is net skuins oorkant die pad waar die aansoeker die drankwinkel wil aanbring. Ek wil graag die volgende aanvoer ter beperking van die opheffing op Pearly Beach. Die aanvoer van onwerklike voordele wat 'n drank winkel sal bring in die voorskrif is baie herhalende onwaarskynlike, wat ons sien om mense te probeer oorreed om te glo hoe voordelig die goedkeuring sal wees, soos bv. besigheid bevordering en ander kamstige voordele. Die ou gesegde tel hier, as mens die voorstelle vele male herhaal dan word dit makliker om iemand te oortuig.

Dit is werd hier te noem dat die aansoeker reeds die winkel besit waar daar huishoudelik benodighede verkoop word, MAAR OOK REEDS 'N DRANKWINKEL HET. Om nou nog een te wil oop maak en waar dan sterk drank verkoop sal word sal net tot skade lei vir die bestaande en voornemende eienaars op Pearly Beach. Mense koop hier juis vir die pragtige natuur en om op menslike samelewe hier te wil wees en/of vakansie kom hou. Daar is reeds genoegsame restaurante waar mense lekker saamkom, eet en hul gekose drank kan koop, geniet en sosiaal verkeer. Die aansoek blyk skerp te wees vir geldelike voordele en ongeag die invloed op die mense in die gebied. Mense wie al jare hier woon en besoekers het nog nooit 'n drankwinkel hier gemis nie. Die aansoeker blyk om hier net meer geldelike voordeel te trek ongeag die impak op die samelewing in Pearly Beach. Wyn kan by die die Koekemoer se bestaande winkel sentrum reeds gekoop word maar die pryse is so dat mense eerder na Gansbaai ry en teen beter pryse hulle behoeftes te bekom want hulle gaan in elk geval Gansbaai toe vir huishoudelike inkopies, Munisipale en banksake te doen.

Die plasing van 'n drank winkel op Pearly Beach is nie 'n aanwins nie en ook nie op die voorgestelde gebied nie en sal net die area verander waar ongewenste elemente sal vergader en lei tot misdade en inbrake om geld te bekom om drank te koop. Kyk maar hoe dit soms lyk op Gansbaai by die drank winkels. Hier is mense wie alreeds onder die las van verslawing aan dwelms en sterk drank lei en sal dit hulle benadeel. Aansoeker sal baie beter diens verskaf deur rehabilitasie dienste te ondersteun en help oprig.

Let op dat daar nie drankwinkels is op Franskraal, Uilenskraalmond, De Kelders en Perlemoenbaai nie. Daardie plekke is geensins ontnem van enigiets waardig nie.

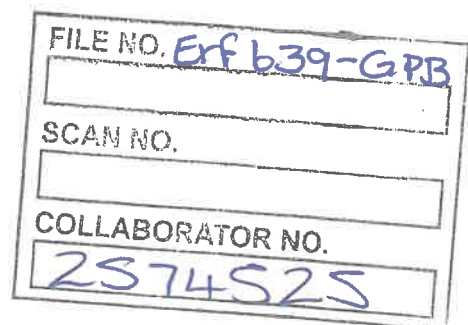
Ons rig vertoe dat die huidige beperkings gehandhaaf bly en dat die aansoek van JC Koekemoer van die hand gewys word.

By voorbaat baie dankie.

Die uwe,
Binedell Familie Trust;

EA Binedell, M Binedell, E Binedell, T Binedell, W Binedell

Com. 11/12/2024



Bou-Afdeling Gansbaai
Ilene Cilliers
19 DEC 2024

Alida Conradie

639 GPB

23

From: Karin Gumbrill
Sent: Wednesday, 18 December 2024 16:25
To: Alida Conradie
Subject: Liquor License Pearly Beach

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
18 DEC 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP-A Theart
(Suld Merke)

I Karin Gumbrill
 I'd nr 5908100146082
 Nr 12 Rotunda Road
 Pearly Beach

I am against a Bottle Store opening in Pearly Beach, there are enough drinking holes with all the Restaurants, in Pearly Beach and shebeens and Taverns in Eluxolweni..

The bottle store will be right In the front of entering Pearly Beach.
 The area is already drawing the bad element in..

Pearly Beach has always been a homely little dropie, and having a bottle store is really going to spoil it..

Thanking you
 Karin Gumbrill

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2574169

[Handwritten signature]

503

TP - A Theart
(S vld Menne)

REKORDBEHEER

18 DEC 2024 89/170
20

Alida Conradie

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

From: Dudley Coetzee
Sent: Wednesday, 18 December 2024 20:10
To: Alida Conradie
Subject: Proposed Consent use and the removal of restrictive Title Deed conditions Erf 639 Pearly Beach

FILE NO. Erf 639-GPB

SCAN NO.

2574202

Dear Alida

I hereby register my objection and opposition to both the application for consent use as well as the removal of the restrictive Title Deed conditions, applicable to Erf 639 Pearly Beach, to allow a Bottle Store to be operated from these premises.

I reside at Erf 1781 and while this Erf as well as Erf 1763 are zoned Business both contain residential dwellings. That then places us closest to this proposed Bottle Store.

The applicant as part of their motivation, states that there is not a bottle store in Pearly Beach. While this is correct the implication that alcohol is not available for sale in Pearly Beach is incorrect. The applicant herself has an off consumption licence (Grocery Licence) to sell wine from her shop in Pearly Beach. There is also a Brewery in Commercial Street that has an on and off consumption licence to sell Craft Beer and wine. The only product that the proposed Bottle Store will provide, that is not already available in Pearly Beach, will then be spirits and possibly cheap wine. These additional products will most certainly not enhance the local business landscape and is in fact an unwanted addition to the village.

The applicant also states that a fully operational restaurant operates on this property, but omits to add that they also operate a bar with an on consumption liquor licence. These premises were erroneously approved by the Overstrand Municipality for the issuing of an on consumption liquor licence, as this is in contravention of the restrictive Title Deed conditions of Erf 639. For this reason the approval given to the Western Cape Liquor Authority to issue an on consumption liquor licence for these premises should be rescinded and the liquor licence withdrawn.

It is also stated that a Bottle Store will enhance the range of services available to residents and visitors, however from the above mentioned it can be seen that the additional service is very limited. The application also states that a Bottle Store will act as a catalyst to attract other businesses to the area. This is a totally unsubstantiated claim, the restaurant on these premises has operated for more than twenty years, with the bar being added more recently, and this has not encouraged any other businesses to open in the area. I seriously doubt that a Bottle Store will accomplish this.

A Bottle Store in Pearly Beach, where almost 50% of the houses are holiday homes, will also not create many jobs. A bottle Store by nature buys and sells its products and it is highly unlikely that more than two job will be created, this being less than what the restaurant provided.

The application for the removal of the restrictive Title Deed conditions, namely that only a shop may be operated from the premises and that intoxicating liquor may not be sold from the premises, states that; "These conditions may have originally been inserted to regulate the nature of businesses and maintain a particular character in the area." That is exactly why these restrictions were placed in the Title Deed of the Property and still apply today. The applicants statement that these restrictive conditions are old fashioned is subjective and irrelevant because the need to regulate the nature of the businesses in the area and maintain a certain character remain to this day. There is also an unsubstantiated statement that a Bottle Store will contribute to the growth and development of the broader business zone, however there is no indication of how this might happen.

The applicant also notes that there could be undesirable effects associated with a Bottle Store and simply states that the business will be carefully managed but makes no mention of how the undesirable effects will be avoided or dealt with. This is one of the very reasons for the restrictive conditions being placed in the Title Deed.

TP 18 DEC 2024

The applicant states that the restrictive conditions do not serve the best interests of the owner and while this may be so they certainly still do serve the best interests of the community. Another unsubstantiated statement in the application is that removal of the restrictive conditions will positively impact the financial and business dynamics in the area. No indication is given of how this will happen particularly given the possibility of undesirable effects emanating from the Bottle Store.

As Stated by the applicant, I agree that the benefits to the Owner are clear, however there are no benefits for the community of Pearly Beach or the business dynamic of the area. For this reason I trust that the interests of the community rather than those of an individual will be acknowledged and that both the request for consent use to operate a bottle store on the property as well as the application to remove the restrictive conditions on the Title Deed of Erf 639 Pearly Beach will be declined.

Yours faithfully
Ald. Dudley Coetzee

505

TP - A Theart
(S vld Mer We)

91/170
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**OBJECTION TO THE CHANGE OF TITLE DEED TO ACCOMMODATE A BOTTLE STORE AT ERF
639 LAW STREET, PEARLY BEACH**

(25)

There are already restaurants in Pearly Beach where alcohol beverages can be consumed and bought so there is no need for a Bottle Store.

The access to liquor for consumption off site will increase people coming only for the purpose to buy alcohol.

This will increase the incidents of gender violence, family and children neglect, and GBH.

This will also compromise the safety of people on the beaches as there is no regulation to prevent drinking on the beaches.

Pearly Beach is known for its tranquillity and safety. That was the reason we decide to invest there because you could walk the streets and beaches without being scared for your safety.

The majority of the residents are elderly and this will have a huge impact on their safety as it will be compromised.

There is already a problem with drugs and the access to alcohol will increase this hugely.

The only person that will benefit is the owner and applicant.

Please don't change the character of Pearly Beach as it is a jewel of tranquillity in a busy world.

Dr GL and Mrs SJ Wenteler

121 Charlie van Breda

Pearly Beach.

FILE NO.	Erf 639-GPB
SCAN NO.	
COLLABORATOR NO.	2573648

17 DEC 2021

TP

506

TP-A Theart
(S vld Merkle)

REKORDBEHEER

17 DEC 2024 92/170
(26)

Alida Conradie

From: Anna-Marie Booysen
Sent: Sunday, 15 December 2024 15:34
To: Alida Conradie
Subject: Erf 639 Law street Application for removal of restrictive title deed conditions

DOCUMENT CONTROL
OVRSTRAND MUNICIPALITY

Good day

I am a permanent resident and property owner in Pearly Beach. I have been here since 2006.

My address is 14 Loop str Pearly beach

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2572604

My reasons for not wanting the proposed bottle store is as follows:

We have 4 establishments currently in Pearly Beach which operate as restaurants all with liquor licenses for onsite consumption. Opening a bottle store will definitely have an impact on these businesses . The three establishments that will definitely be affected by this is Whale Coast Brewery, Visgat and the Pearly Beach Club. It will shift consumer spending away from these businesses and have a snow ball effect on the economy. Consumers will not go and support them by having something to eat and it will cause job losses at these establishments.

Pearly Beach does not have the resources to manage alcohol-related health issues.

Pearly Beach also does not even have a Police station or a satellite police station. A bottle store will definitely have an impact on our community safety as it has been proven over and over again that there is often a correlation between the easy access to alcohol

JP

17 DEC 2024

and increased crime rates such as public disturbances, property and vehicle damage.

Properties close to law street will also have a decrease in value. I am 400m away from 9 Law str(Erf 639)

What I do not understand in the proposal for this title deed to change, is on the building plan it shows 94m² that is the size of the restaurant currently but it says "Repurposing a **portion** of the restaurant" ???

Pearly Beach is such a beautiful little jewel that will totally lose all of its beauty and peacefulness if we end up with a bottle store.

Thank you

Anna-Marie Booysen

14 Loop str Pearly Beach

REKORDBEHEER	94/170
17 DEC 2024	
DOCUMENT CONTROL	
OVERSTRAND MUNICIPALITY	

Alida Conradie

From: Anri Wenteler
Sent: Sunday, 15 December 2024 11:44
To: Alida Conradie
Subject: Objection to bottlestore at erf 639 Pearly Beach.

TP - A Theart
(S vld Merkie)

Good morning Alida

I would like to voice my objection to accommodate a bottle store on Erf 639 9 Law st Pearly beach. I am a permanent resident of Pearly Beach.

As a doctor previously working in emergency care I have a lot of experience with the impact of alcohol abuse in a community. There is no doubt that the incidence of car accidents, interpersonal violence and sexual assault dramatically increases when alcohol use increases. This has clearly been shown in studies and noted during the COVID time when emergency centres were practically empty due to the alcohol ban.

A bottle store will draw a lot of alcohol users to the area from the town as well as the surrounding farms in the area. As transport is often a problem in our community it is highly likely that the patrons would hang around there for an extended period or move to the beach.

I am a woman living alone and go for daily walks around town and on the beach.

I am very worried about my safety in the case of drunk people hanging around where I am walking. I firmly believe having a bottle store in town will have a detrimental effect on our community and safety.

I greatly appreciate your consideration.

Regards

Anri Wenteler

FILE NO.	Erf 639-GPB
SCAN NO.	
COLLABORATOR NO.	2572568

17 DEC 2024
TP

Alida ConradieTP- A Theart
(Suid Merie)

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

From: Marilda Louw
Sent: Thursday, 12 December 2024 13:52
To: Alida Conradie
Subject: FW: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner
Attachments: Pearly Beach 639Notice.pdf

DEPARTEMENT: STADSBEPLANNING
 OVERSTRAND MUNISIPALITEIT

Vir wie dit mag aangaan

VERTOë TEN OPSIGTE VAN ERF 639, LAWSTRAAT 9, PEARLY BEACH, OPHEFFING VAN BEPERKENDE TITELAKTE VOORWAARDES EN VERGUNNINGSGEBRUIK:

Ons is inwoners van Pearly Beach sedert 1999 en permanent sedert 2017. Die dorp en omgewing is baie bekend aan ns.

Ons vertoë en redes:

1. Dit sal die huidige armoede wat reeds te sien is, nog verder aanhelp.
2. Die verlaging in eiendomme in- en rondom erf 639.
3. Die beheer van ongewenste elemente asook die styging in misdaad met inagneming van die getalsterkte van die Polisie en Law Enforcement, wie selde in Pearly Beach waargeneem word.
4. Daar is tans skaars genoeg parkering vir 'n klein restaurant wat tot onlangs toe nog besigheid gedoen het.
5. Die versteuring van die karakter van die stil en rustige omgewing/area.
6. Ons is van mening daar is genoeg (wettig of onwettig) drankhandelaars in Eluxolweni - Pearly Beach.

Vriendelike Groete,
JAN & MARILDA LOUW
 RIDGEWEG 5
 PEARLY BEACH

FILE NO. Erf 639-GPB ✓
SCAN NO.
COLLABORATOR NO.
2571373

Natasha [mailto:natasha@planactive.co.za]

Sent: Tuesday, 12 November 2024 8:49 AM

To: Natasha <natasha@planactive.co.za>

Subject: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner

To whom it may concern

You are regarded as a potentially affected property owner.

Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) requires that notice must be given, and Section 49 allows for a period of not less than 30 days from the date on which notice was given to affected persons to submit comments, objections, or representations in respect of a land use planning applications. Council, during a meeting held on 30 November 2023, resolved that such notice be given via e-mail in accordance with the provisions of the Electronic Communications and Transactions Act, 25 of 2002. Due to ongoing difficulties in service delivery experienced by the South African

TP - A Theart
(Sylvia Merkle)

11 DEC 2024

29

Alida Conradie

From: Adri Hutchinson
Sent: Wednesday, 11 December 2024 13:45
To: Alida Conradie
Subject: Regarding: Erf 639, 9 law street, PEARLY BEACH. Title deed T3644/2005 as per your email.

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Dear Me,

TO WHOM IT MAY CONCERN

I, AS Hutchinson, residential/ owner of 75 Arcadia Street Pearly Beach would most definitely oppose the lifting or changing of the above zoning for Erf 639 Pearly Beach to accommodate a bottlestore / offsales or a premises that will sell liquor to the public in sealed bottles or containers.

MY REASONS IS AS FOLLOWS:

1. Too close to Residential Area. We do not want the traffic and drunk people and noise near our premises. The most effected Roads being Arcadia Street and Broadway Street. Also the litter that goes with it. We bought in Pearly Beach for the reason that it was a quite bottlestore/offsales free and at the time were told by Agent that no Bottlestore /Offsales were permitted in the Town. We would like to keep it that way.
2. There is enough woman and children abuse in our community and by having a bottlestore / offsales will lead to more of that because the shibeens are expensive and for the same amount of money they can buy more liquor at bottlestore/offsales which mean longer periods of time of abuse. We don't want to escalate the problem. The problem should be curbed.
3. We got no police station in Pearly Beach to deal with these matters.
4. Rather put something in place that will uplift and benefit the community like a Shoprite Supermarket that is affordable for everyone.

We feel the Municipality should look at the views if the Permanent Residence. Weekenders and Holiday makers will think it will be wonderful BUT they don't stay here permanently and don't have to deal with issues on a daily basis.

Thanks for your Time and Hope that the correct decision will be made in favor of what the community needs and not what the community wants.

Kind Regards
Adri Hutchinson

FILE NO. Erf 639- GPB ✓
SCAN NO.
COLLABORATOR NO. 2570302

TP 11 DEC 2024

TP-A Theart
(S vld Merwe)

97/170
OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
09 DEC 2024 (30)
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

DEPARTMENT: TOWN PLANNING
Overstrand Municipality
For att: Mr. S.W. Van der Merwe – Senior Town Planner
Email: Alida@overstrand.gov.za

ERF 639, 9 LAW STREET, PEARLY BEACH

Application for removal of restrictive Title Deed Conditions and Consent Use

I am writing to formally object to the application to remove Restrictive Title Deed conditions and consent use for Erf 639, 9 Law Street, Pearly Beach, for purposes of accommodating a Bottle Store on the property. While I appreciate the need for economic development and business opportunities in our area, I believe that this proposal raises significant concerns that warrants its reconsideration, and for the following reasons: -

1. Negative impact on the Community

A Bottle Store (liquor outlet) may encourage loitering, public intoxication, and an increase in criminal activities, which could jeopardise the safety and well being of residents, particularly children and elderly individuals.

2. Incompatibility with the character of the area

The proposed location is not appropriate for a Bottle Store as it does not align with the existing residential, education or family-oriented nature of the neighbourhood. Such a business may detract from the tranquil and family-friendly community-focused environment and bearing in mind that Pearly Beach is designated as a Conservancy, a status that prioritises preserving its natural and cultural heritage. A Bottle Store is incongruous with the character of the Village and will detract from the tranquil and family-friendly atmosphere that attracts residents and tourists alike. The presence of a Bottle Store could negatively affect property values in the surrounding area, discouraging future investment and growth.

3. Traffic and Parking concerns

The addition of a Bottle Store is likely to lead to increased traffic congestion and parking challenges in the area. This could pose a risk to pedestrians and reduce the quality of life for nearby residents. The proposed location is in close proximity to numerous residential properties, including my own, from where I have been operating a Real Estate Office for the past 22 years. A Bottle Store at this site could disrupt the professional environment and affect the perception of the area among our clients, potentially impacting business operations and property values.

4. Existing Disturbances

Currently there are already two pubs plus the Angling Club directly across the road from my property, of which the two pubs cause considerable disturbances, particularly over weekends. Issues include vry loud music, motorbikes performing wheelies, cars revving their engines late into the night and speeding off, vehicles racing up and down the road, creating noise and safety hazards. Adding another liquor outlet to this area is likely to exacerbate these disturbances and contribute to increased noise levels, rowdy behaviour, traffic safety concerns, late-night activity, leading to further disruptions for residents and increased strain on law enforcement and public services. This is not in line with fostering a safe and family-friendly community environment.

FILE NO. Erf 639-GPB
SCAN NO.
2568624
COLLABORATOR NO.

5. Law Enforcement Challenges

The authorities already face significant challenges managing issues such as abalone poaching in our area. The introduction of a Bottle store could exacerbate these challenges increasing unlawful activities and further straining limited law enforcement resources, bearing in mind also that Pearly Beach does not have a SAPS station, and rely on authorities to respond from Gansbaai, which is 21kms away, and are under resourced, very few vehicles and low on manpower.

The easy accessibility of alcohol could exacerbate social problems, including alcohol abuse and its associated health and societal impacts, as there is often a clear correlation between bottle stores and an increase in anti-social behaviour, littering and public intoxication.

6. Traffic and Parking Issues

The entrance to Law Street is already problematic with frequent traffic violations, including motorists going against the one-way designation. The addition of a Bottle Store will likely worsen the situation. Furthermore, there is already insufficient parking available to accommodate existing businesses, particularly the Restaurant on the proposed site. A Bottle Store could only add to this congestion, creating further inconvenience and safety concerns for both residents and visitors.

7. Alternative locations Available

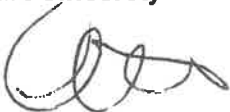
There are already sufficient Bottle Stores in nearby commercial areas that are better suited for this type of business. Placing another one in a residential area seems unnecessary and counterproductive. A Bottle Store in Pearly Beach will not stimulate the economy nor offer employment opportunities.

8. If the Title Deed contains a restrictive clause explicitly prohibiting the sale or service of Liquor on the property, and this restriction has historically been disregarded, it could indicate either:-

- (a) **Unlawful Operations** – The Pubs and Restaurants may have operated in contravention of the Title Deed, even if they had liquor licences. Licensing authorities may not have been aware of the restrictive clause or may have issued licences without due consideration of the Title Deed conditions
- (b) **Implied consent or waiver** – If the restriction was known and not enforced by the relevant parties (e.g. heirs of the original grantor or the state, if applicable), an argument might be made that there has been implicit consent to such activities. However, this does not legally nullify the clause unless formally amended or removed.

For these reasons, I respectfully request that the restriction on the Title Deed not be lifted, and that Erf 639 (9 Law Street), Pearly Beach remains a space dedicated to uses that align with the community's character and values.

Yours Sincerely



S.E. SWART (owner Erf 1763, 20 Main Road, Pearly Beach)

513
TP-A Theart
(S vld Merwe)

REKORDBEHEER

11 DEC 2024

99/170

(31)

Alida Conradie

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

From: Philip Scheltens
Sent: Monday, 09 December 2024 16:56
To: Alida Conradie
Subject: [CAUTION: SUSPECT SENDER] OBJECTION - REMOVAL TITLE DEED RESTRICTIONS - ERF 639 - PEARLY BEACH

Good day Alida,

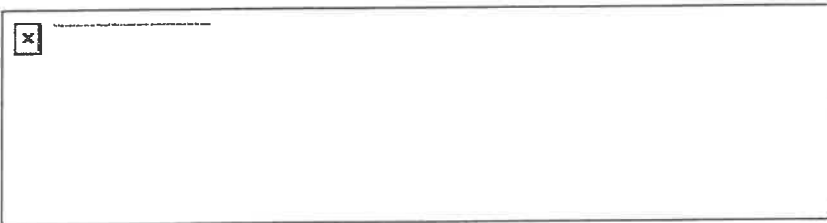
We own a residential property at 23 Central Street, Pearly Beach.

We strongly object to having the title deed restrictions lifted for erf 639, 9 Law Street, Pearly Beach in order to open a bottle store.

This will attract unwanted vagrants, promote loitering and increase crime. Pearly Beach is a quiet town, with beautiful natural surroundings, and we like to keep it that way.

Regards,

Philip Scheltens



FILE NO.	Erf 639-GPB ✓
SCAN NO.	
COLLABORATOR NO.	2569644

11 DEC 2024

Alida Conradie

From: Gerald Henrici
Sent: Monday, 09 December 2024 15:52
To: Alida Conradie
Subject: Objection to consent use erf 639 , 9 Law Street Pearly Beach

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP - A Theart
(S v d Merke

Anke and Gerald Henrici
6 Duine Street Erf 1645 Pearly Beach

We object to the granting of consent use to accommodate a Bottle Store on Erf 639 , 9 Lae Street Pearly Beach for the following reasons:

1. We came to retire in Pearly Beach because of its peace and quiet, its pristine beaches and closeness to nature.
2. Pearly Beach is a Residential Conservancy and not a town needing a bottle store. Residents go to Gansbaai for their shopping and liquor requirements .
3. There are 4 restaurants with wine and beer on site consumption licenses. The Resort shop also sells wine and beer.
4. The developer of Pearly Beach specially put the alcohol restriction in the business title deeds to prevent littering and rowdiness in Pearly Beach.
5. The resulting pollution and bad behaviour will have a negative influence on the youth.
6. Baardskeerdersbos on a Saturday is a typical example of the result of liquor being Sold and consumed on the street.

Gerald and Anke Henrici

FILE NO. Erf 639 - GPB ✓
SCAN NO.
COLLABORATOR NO.
2568720

OVERSTRAND MUNICIPALITEIT
REKORDBEHEER 101/170
04 DEC 2024 (33)
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Alida Conradie

From: Sally Gouws
Sent: Wednesday, 04 December 2024 07:07
To: Alida Conradie
Subject: Objection to Bottle Store

*TP - A Theart
(S vld Merwe)*

To Whom it May concern

I hereby as a property owner in Pearly Beach fully and wholeheartedly object to a bottle store being allowed in Pearly Beach. I hope that a license never gets awarded to anyone. The social and degradation this would cause in the Beautiful village would be devastating.

Yours sincerely

S Gouws
sent from my iPhone

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2565824

P 04 DEC 2024

516

TP - A Theart
(S vld Merwe)

REKORDBEHEER 102/170
03 DEC 2024 (34)
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Alida Conradie

From: Duncan Churchman
Sent: Tuesday, 03 December 2024 07:14
To: Alida Conradie
Subject: FW: Erf 1948 HJ CHURCHMAN NO5 THE CRESCENT PEARLY BEACH OBJECTION TO PLANNED BOTTLE STORE PEARLY BEACH

Good Morning Alida,
 Refer my husband's email to you yesterday.

I never received any correspondence regarding the planned Bottle store in Pearly Beach.

I wish to place on record for the same reasons as my husband that I do not want this bottle store to be allowed.

Please acknowledge receipt of my objection.
 Regards,
 Hilary Churchman

From: Duncan Churchman [mailto:duncan@braeview.co.za]
Sent: Monday, November 18, 2024 2:51 PM
To: 'alida@overstrand.gov.za'
Subject: FW: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner D.CHURCHMAN/ H.CHURCHMAN OBJECTION

To Whom it May concern,
 Please acknowledge receipt of my objection.
 Regards,
 Duncan Churchman

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2565057

From: Duncan Churchman [mailto:duncan@braeview.co.za]
Sent: Monday, November 18, 2024 2:47 PM
To: 'Natasha'
Cc: 'Hilary Churchman'
Subject: RE: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner D.CHURCHMAN/ H.CHURCHMAN OBJECTION

Dear Mr. Mc Lachlan.
 My name is Duncan Churchman, no3 The Crescent Pearly Beach. I have been a resident since 1992 and property owner since 1987.

My wife and I [also a property owner no5 The Crescent Pearly Beach] do not want a bottle store in the Village.

There is no study that I am aware of, that shows community upliftment that is associated with liquor sales/availability.

The Government is currently debating the merits of increasing the lawful age for alcohol purchases because of the negative effects of liquor on driving, femicide, child birth etc

Pearly Beach residents are incensed with the new drive to lease/ Air B&B houses. The lessees trend to loud parties, liquor consumption, anti-social behaviour and the disruption to peace and quiet. Then they disappear home!
 The common denominator ...drink.

TP
 03 DEC 2024

In the Village there are a few outlets to purchase beer and wine so clearly hard liquor is the point of difference for this proposal. As a farmer for forty years I have observed on my farm how staff have changed their drinking habits from beer, to cider, to "hard tack".

The concomitant after hours behaviour change is radical negative and after weekend productivity is poor.

There are apparently 5 shebeens that operate in the PB township that needless to say are supported by the illegal perlemoen poaching activities. Another outlet will further worsen the situation.

If these Shebeens are currently operating, how will the already stretched SAPS force respond to incidents related to liquor over consumption in Pearly Beach?

What Pearly needs is projects that help uplift the local community and children thereof.

Sad to say, alcohol, drugs poaching are a cycle that is self supporting and I our view is detrimental to Pearly Beach now and in the future.

Please do not let this proposal happen.
Please acknowledge receipt of this email.

Regards,
Hilary and Duncan Churchman

From: Natasha [mailto:natasha@planactive.co.za]

Sent: Tuesday, November 12, 2024 8:20 AM

To: Natasha

Subject: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner

To whom it may concern

You are regarded as a potentially affected property owner.

Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) requires that notice must be given, and Section 49 allows for a period of not less than 30 days from the date on which notice was given to affected persons to submit comments, objections, or representations in respect of a land use planning applications. Council, during a meeting held on 30 November 2023, resolved that such notice be given via e-mail in accordance with the provisions of the Electronic Communications and Transactions Act, 25 of 2002. Due to ongoing difficulties in service delivery experienced by the South African Post Office, and as per the aforesaid Council resolution, **NO** registered mail/letters will be forwarded in the interim period.

Kindly regard this email as your formal notification of such land use application. **Kindly provide your comment, objection or representations, if any, as per the instructions of the attached notice.**

Also note that the notice will be available at the Town & Spatial Planning Department, and on the municipal web page at the following link: <https://www.overstrand.gov.za/en/documents/town-planning/land-use-planning-applications>

Please refer to the attached notice, locality plan, motivation report and building plan for your information.

Kind regards.

03 DEC 2024 (ST)

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

TP - A Theart
(Suid merke)

Alida Conradie

From: Albertus Moller
Sent: Monday, 02 December 2024 14:43
To: Alida Conradie
Subject: Objection to a Bottle Store in Pearly Beach

Good Day

I highly oppose having a Bottle Store in Pearly Beach.

Amongst other reasons we have seen and heard, I wish to mention just 2 which I find of utmost importance.

1. When the original owner of Pearly Beach passed away, there was a clause in his "Last Will and Testament" that no Bottle Store was to be erected in Pearly Beach. I am quite sure that should you go into the Archives you will find this Document.

2. There is an Alcohol problem in Pearly Beach as well as Eluxolweni.

We even run an AA in Pearly Beach.

.Having a Bottle Store will certainly not help the good work that AA is striving to do.

One other query/concern ... Are all the Restaurants in Pearly Beach, legitimately licenced???

Thanking you
Albertus Moller

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2565045

TP - 3 DEC 2024

REKORDBEHEER
28 NOV 2024 105/170
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

639 GPB

86

TP-A Theart (Suid Merwe)

Alida Conradie

From: charles m <
Sent: Wednesday, 27 November 2024 23:10
To: Alida Conradie
Subject: Objections to application for a Bottle Store in Pearly Beach.

TO WHOM IT MAY CONCERN..

Firstly , a liquor store cannot be regarded by any community as a NEED/ NECESSITY..
 Secondly , the only real beneficiary would be the owner of the business as it would be a monopoly in the area.
 Thirdly , my personal experience of a liquor store was in Knysna , on the corner of Long st. and Green st. opposite the Preparatory school entrance . The school eventually allowed parents to collect children at the entrance on the opposite side of the school . Only businesses that closed at 5 oclock opened in these roads. The flats above the store got a reputation of being a ' short term letting establishment' This store has since closed
 Fourthly, when i bought in Pearly Beach I was told categorically that a clause had been inserted in the Deeds of Sale of business propertties that a liquor store would not be allowed on any of those premises.
 Fifth, i think that , where the store would be located close to residential properties and to two busy roads , Broadway and Main. it has the potential to be the cause of drunk driver accidents especially as Pearly Beach has many traffic calming dips and humps.

Charles Miller.
 17 Rotunda Street,
 Pearly Beach..
 7220.

Yahoo Mail: Search, organise, conquer

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2562063

DP 28 NOV 2024

520

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER 106/170
28 NOV 2024 (37)
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Alida Conradie

639 GPB

From: Dawn Meyer
Sent: Wednesday, 27 November 2024 14:59
To: Alida Conradie
Subject: Pearly beach bottle store

TP - A Theart
(S vld Merke)

To whom it may concern I am extremely disappointed about the plans for this bottle store as one of the reasons we bought here was because it was a known fact that a bottle store and the likes would never ever be allowed in Pearly beach and it would not be citified but kept natural and a conservation area, sorry to say the amount of security lights and alarms are already getting overboard, I can't tell you how much the wildlife here is affected by this and with even easier access to alcohol is just totally unacceptable.

Sincerely yours
 Mrs ME Section
 15 Ridge Way
 Pearly beach
 7221

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2562054

28 NOV 2024
 TP

Alida Conradie

639 GPB

58

From: Dorothy JVuuren
Sent: Tuesday, 26 November 2024 12:19
To: Alida Conradie
Subject: Objection to bottlestore

OVERSTRAND MUNISIPALITEIT REKORDBEHEER 27 NOV 2024 DOCUMENT CONTROL OVERSTRAND MUNICIPALITY
--

TP-A Theart (Suid Merke)

Goeie more

Hiermee gee ek my objective opinion teenoor die drankwinkel.

Ek stem nee vir n drankwinkel.

Hierdie klein plekkie pearly beach het alreeds te veel drankgate .

Mense raak roekeloos en verander van normal na abnormal wanne drank betrokke is.

Baie danki
D B Janse van vuuren

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2560677

TP 27 NOV 2024

OVERSTRAND MUNICIPALITY
REKORDBEHEER 108/170
27 NOV 2024 (39)
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Alida Conradie

From: Willie Richter
Sent: Tuesday, 26 November 2024 13:46
To: Alida Conradie
Subject: Letter of objection - Erf 639 Pearly Beach

TP - A Theart
(Suid Merke)

Objection to the restrictive title deeds removal for 9 Law street - Erf 639 to accommodate a bottle store as well as to the consent use to accommodate a bottle store.

I Willem Josef Richter own a property in Pearly Beach, 41 Twist street, Erf 306.

I am a permanent residence at my property.

I believe a bottle store will bring unnecessary loitering around the central business hub and cause safety concerns for those going to the shop. This could be the result of people loitering around. Generally there is garbage thrown around a bottle store area due to people being inebriated which can have a detrimental effect on the area which is a conservancy. I have left the city looking for peace and tranquility and a bottle store will ultimately threaten this and it is a huge concern.

People act irresponsible when under the influence of alcohol and I am strongly against a bottle store opening as it will ultimately have a negative effect on our community and other businesses as a whole.

Kind regards,

Willem Richter

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2560679

TP
27 NOV 2024

27 NOV 2024

Alida Conradie

639 GPB

From: Bernice Botes
Sent: Tuesday, 26 November 2024 11:07
To: Alida Conradie
Subject: Erf 369 -9 Law Street, Pearly Beach Objection

639

TP - A Theart
(S vld Merke)

DOCUMENT CONTROL

FILE NO. OVERSTRAND MUNICIPALITY

Erf 639 - GPB

SCAN NO.

COLLABORATOR NO.

2560688

Dear Alida,

Good morning, I trust you are well? I am a co-owner of 41 Twist street, Pearly Beach Erf no 306. I would like to object to the following:

Removal of restrictive title deed condition as well as consent use for Erf 369 -9 Law street Pearly Beach

My interest in the application is that I am a property owner within the area. I believe that a bottle store will not be in the best interest of the area or property owners and therefore would **not** like to see the restrictive conditions lifted on the mentioned title deed. Pearly Beach is a conservancy area that is home to a number of wild animals, it is also an area of peace and tranquility.

These are the proven negative implications of having a bottle store in a community:

1. Increased Alcohol Abuse and Health Issues

- **Impact:** The easy availability of alcohol from bottle stores contributes to higher rates of alcohol consumption, which is closely linked to health problems such as liver disease, mental health issues, and a shorter life expectancy.
- **Supporting Data:** South Africa has one of the highest per-capita alcohol consumption rates in the world, and studies have shown that communities with more bottle stores experience greater instances of alcohol-related health problems.

2. Rise in Crime and Violence

- **Impact:** Bottle stores are often associated with increased levels of crime, including domestic violence, assault, and robbery, particularly in communities with high poverty levels. Alcohol often acts as a trigger for violent behavior.
- **Supporting Data:** Research from the South African Medical Journal (SAMJ) highlights that alcohol availability is linked to higher rates of interpersonal violence, including gender-based violence and crimes committed under the influence of alcohol.

3. Economic and Social Degradation

- **Impact:** Bottle stores can have a detrimental effect on the local economy by fostering dependency on alcohol rather than promoting productive investments. They also contribute to absenteeism and decreased productivity in workplaces and schools, further destabilizing communities.

TP 27 NOV 2024

- **Supporting Data:** Studies from the World Health Organization (WHO) have noted that communities with high alcohol availability often struggle with reduced economic development and increased social inequality.

I trust that this objection will be lodged and that feedback will be given.

Kind regards
Bernice Richter

525

TP-A Theart
(Sild Merke)

REKORDBOMEER

26 NOV 2024 111/170

11

Alida Conradie

From: .
Sent: Tuesday, 26 November 2024 09:55
To: Alida Conradie
Subject: Erf 639, 9 Law Street, Pearly Beach: Application for removal of restrictive title deed conditions and consent use

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

As the Pearly Beach Conservancy we want to strongly object against the abovementioned application. As a Conservancy we try to conserve, protect and restore the beautiful setting of this Village, and we try to evaluate and give sound comment to authorities on new developments in our area.

We are of the opinion that the planned bottle store will have a negative impact on the daily lives of all local residents, as it will generate a huge amount of extra foot traffic to the main business area of the Village. The negative impact that this will have on surrounding businesses, the Village Green, nearby Herbarium and children's play park cannot be ignored. It will also generate a lot of littering and have a negative impact on the social and economic lives of residents. The undesirable elements that will flock to the area, must be avoided at all cost. We trust that this objection will be positively considered.

Regards,

Elrina Versfeld
 Secretary/Sekretaris Pearly Beach Conservancy Bewarea
 Posbus/P O Box 60, Pearly Beach 7221
 084 350 4107
 ebs@pbc.org.za



FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO. 2560276

TV

26 NOV 2024

Alida Conradie

526

TP - A Theart
(Suid Merwe)

RECORD NUMBER

26 NOV 2024 112/170

42

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

From: Elrina Versfeld <
Sent: Tuesday, 26 November 2024 09:05
To: Alida Conradie
Subject: Erf 639, 9 Law Street, Pearly Beach: Application for removal of restrictive title deed conditions and consent use

Dear Alida

As a property owner of 2 residential properties and a permanent resident of Pearly Beach, I would like to object to the abovementioned application.

As stated in the application, the planned bottle store will definitely make a huge impact on the town's local economy, the existing character of the area and the local business node, but while it is stated in the application that this will have a positive impact on the town, I strongly disagree.

Pearly Beach is a quiet, residential area where mostly retired people came to settle. As Gansbaai is only 23 kilometres away, all businesses are within easy reach without having to compromise the rustic and rural character of the town.

For comparison, one only have to visit the nearby Baardskeedersbos on a Saturday morning to see the devastated impact that their bottle store has on the Main Road. The congestion of local residents around the bottle store, their drunk and unruly behaviour, the neglected children being left on the side of the road and the huge amounts of litter, are indeed sights for sore eyes and proof of the negative impacts of such a business on the quite landscape of a rural village.

The planned bottle store will indeed bring along additional foot traffic to the centre of our village, but the negative impact that these undesirable elements will have on the area, is already known and we as local residents want to avoid it at all cost. The devastated effect what this business will have on the economic and social behaviour of local residents, must be avoided.

The Village Green, Herbarium and play park for children are only 1 block away and needs to be protected against undesirable elements that will be customers of this business.

I trust that my objection will be positively evaluated.

Regards,

Elrina Versfeld
Posbus/P O Box 60, Pearly Beach 7221

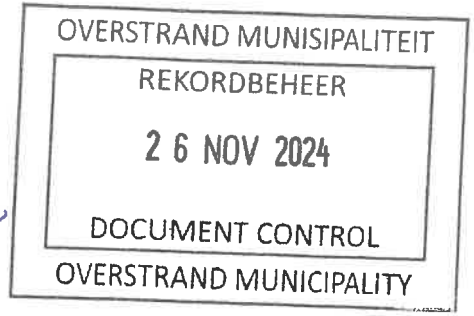
FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2560272

TP

26 NOV 2024

Alida Conradie

From:
Sent: Monday, 25 November 2024 17:42
To: Alida Conradie
Subject: Erf 639,9 Law Street ,Pearly beach



TP - A Theart
(S vld Merwe)

Dear Sirs ,

Please note that I wish to object to the proposed intent to accommodate a bottle store on the above property .Pearly Beach has a unique character and this will be severely compromised by a local bottle store .Noise levels will increase together with additional traffic flows and unruly elements . This in turn will have a negative impact on Pearly Beach property values .

Sincerely

ngus Mclean

Erf 353 12 Ridge Road , Pearly Beach

FILE NO. Erf 639-GPB
[]
SCAN NO.
[]
COLLABORATOR NO.
2560146

TP 26 NOV 2024

TP- A Theart
(Suid Merwe)

Alida Conradie

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

From: David Schneeberger <
Sent: Monday, 25 November 2024 14:32
To: Alida Conradie
Subject: Removal of restrictive title deed conditions on Erf 639, 9 Law Street, Pearly Beach.
 Notice no:180/24

I, David Anthony Schneeberger, from 28 Arcadia Street, Pearly Beach want to object against the removal of restrictive title deed conditions on Erf 639, 9 Law Street, Pearly Beach. Notice no:180/24. My interest is I am a homeowner in Pearly Beach and a Bottle store in the area will degrade Pearly Beach causing house prices to drop.

Reasons for my objection is:

- 1) Vagrants will hang around the bottle store, get drunk and mess around the area. There are also no toilet facilities for them so they will urinate wherever they sit. (Go to any bottle store (Gansbaai, Baardsckeerdersbos, Gouritsmond) and you will see the same thing.)
- 2) These drunk vagrants will pass out and sleep where they fall over.
- 3) Farmworkers will have much easier access to liquor (not going to Gansbaai) causing uncontrollable workers.
- 4) Drunk vagrants will also get into unnecessary conflicts with other people in the area.
- 5) Our beaches will degrade with vagrants going drunk to beaches and causing trouble for other beach goers.
- 6) Vagrants will also pester inhapendents for money to buy liquor.
- 7) The existing restaurants will be affected due to people running out of liquor can now easily get liquor and will then not support the restaurants.
- 8) There will be more drunk drivers in our town causing accidents while intoxicated.
- 9) Burglaries will also pick up from persons trying to get money for liquor.

The existing Title deed restricts the sale or deal in intoxicating liquors and that should also be upheld by cancelling the existing liquor licence that was issued.

Thank you

David Schneeberger
 -mail: david.schneeberger1@gmail.com

FILE NO.	Erf 639 - GPB
SCAN NO.	
COLLABORATOR NO.	2559887

TP

Alida Conradie

639 GPB

45

From: Dirk Staal
Sent: Monday, 25 November 2024 20:57
To: Alida Conradie
Subject: Kommentaar: Erf 396, Lawstraat 5, Pearly Beach.

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
26 NOV 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP-A Theart (S vld Merwe)

Beste,

Ek Dirk Leslie Staal is 'n inwoner te Loopstraat 12, Pearly Beach.

Die spesifieke erf is binne 400 meter van ons woning,

My kommentaar is as volg:

1. Die voorgestelde bottelstoor is geleë by die ingang en op die hoofstraat van Pearly Beach. Die samedromming van mense gaan 'n ongewensde gesig van die dorp wees.
2. Daar is tans vier plekke waar drank binne 100meter omtrek gekoop kan word. Die bottelstoor gaan nie bydra tot die ontwikkeling van die dorp nie. Die aansoeker is die einste persoon wat onlangs die vestiging van 'n jenerwer aanleg meer as drie kilometer buite die dorp teengestaan het, want dit was te naby sy werkers se huisvesting gewees. Nou wil hy 'n bottelstooralisensie nog nader bekom.
3. Daar is bestaande shebeens binne die dorp se grense wat die inwoners aldaar kan bedien.
4. Pearly Beach beskik nie oor 'n plaaslike polisie teenwoordigheid om wet en orde te handhaaf nie. Wie gaan die ongewensde gedrag beheer?

As inwoner staan ek die aansoek teë vir die toestemming vir die lisensie asook die verandering van die titelakte voorwaardes.

Die uwe,
Dirk Staal (4607085001087)



Virus-free. www.avq.com

FILE NO. Erf 639-GPB
SCAN NO.
TCP NO.
2560131

TP 26 NOV 2024

530

TP-A Theart
(S vld Merkle)

25 NOV 2024

46

Alida Conradie

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

From: Alberts, L. (Lee-Anne)
Sent: Monday, 25 November 2024 08:22
To: Alida Conradie
Subject: REQUEST FOR COMMENTS : ERF 249 PEARLY BEACH (Against the opening of a liquor store)

Good morning Alida, I am the owner of Erf 98 Pearly Beach and I would like to **vote against** the opening of a Liquor store in Pearly Beach.

Pearly Beach is a quiet and respectful place with a lot of elderly persons. The informal settlement is already starting to put people off purchasing in Pearly Beach and the house values have decreased because of this and the poaching problem. Allowing a liquor store will only attract more negative attention and create more opportunities for less favourable people to drive around the peaceful place. There has not been a need for a liquor store before and the town does not need one now. Gansbaai is only 21km away. There are local restaurants that sell alcohol – they can be supported rather than open any other competition.

Thank you



NEDBANK

Lee-Anne Alberts

Business Manager Agri | Commercial Banking | Nedbank Limited

Nedbank Business Bank, 1st Floor, Quenets Arcade, High Street. Worcester

nedbank.co.za

FILE NO.	Erf 249-GPJ
SCAN NO.	09
COLLABORATOR NO.	2559208

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25 NOV 2024

TP

Alida Conradie

From: Charmain Ludik
Sent: Sunday, 24 November 2024 18:50
To: Alida Conradie
Subject: Public participation pearly beach notice 639

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
25 NOV 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP - A Theart
(Suid Merwe)

Good evening Alida

Hope you are well.

Regarding the email that was send.
 We against the whole thing.
 It will just be trouble.
 If any one wants alkol they can buy it in Gransbaai.

We build there to get away from. The rush and just want a peace full time.

With a bottle store it is going to be unpleased.

That's our comment.

Kind regards
 Mr and Mrs Ludik

FILE NO. Erf639-GPB
SCAN NO. 07
COLLABORATOR NO.
2559206

TL 25 NOV 2024

532

25 NOV 2024 18:17

Alida Conradie

639 GPB

48

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

From: Pamela Morris
Sent: Sunday, 24 November 2024 18:00
To: Alida Conradie
Subject: ERF 639, 9 LAW STREET - NO,NO,NO TO A BOTTLE STORE

TP - A Theart
(S v Id Merwe)

TO WHOM IT MAY CONCERN

I hereby wish to advice that I am totally against a bottle store open at the above address. We just have to look around the bottle stores in Gansbaai, B'bos and every where, where there is a bottle store. People Begging, sitting around on pavements, children being neglected by parents , while they sit and drink. In the end these children are abused when they make the mother's drunk. There is so much negativity relating to alcohol, why would we want want here. There are over enough bottle stores in Gansbaai.

We moved out of the Cape Town to come and live a quiet, peaceful surroundings, embracing nature and the sea. We beg you please don't spoil it.

Regards,

FILE NO.	Erf 639 - GPB
SCAN NO.	06
COLLABORATOR NO.	
	2559205

25 NOV 2024

533

TP - A Theart
(Suld Merke)

REKORDBEHEER 119/170

21 NOV 2024 19

Alida Conradie

From: Marion Boltman
Sent: Thursday, 21 November 2024 08:44
To: Alida Conradie
Subject: [CAUTION: SUSPECT SENDER] RE: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Dear Alida

Herewith details as requested.

- Name and address

Christopher Peter Boltman
 Marion Louise Boltman
 20 Chruch Street, Pearly Beach

- Interest of the person in the application

Owner of property in Pearly beach

The reasons for the objection/comment

This bottle store will create lots of unsavoury characters roaming the area, loitering and interfering /begging with visitors.

Thanks

Chris & Marion Boltman

Please conifrm receipt and that all is in order, thank you.

From: Alida Conradie <alida@overstrand.gov.za>
Sent: Tuesday, 19 November 2024 13:25
To: Marion Boltman <marion@publishsa.co.za>
Subject: RE: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner

Dear Mr and Mrs Boltman

Kindly include the following in the objection:

- Name and address
- Interest of the person in the application
- The reasons for the objection/comment

Kind Regards

Alida Conradie

Administrative Officer, Town- and Spatial Planning
 Directorate: Planning & Development, Overstrand Municipality, Hermanus
 A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20
 T: 028 313 8900 | F: 028 313 2093 | E: alida@overstrand.gov.za

FILE NO. Erf 639-GPB
SCAN NO. 02
COLLABORATOR NO.
2558094

TP

21 NOV 2024

534

639 GPB

OVERSTRAND MUNICIPALITEIT
REKORDBEHOUDE 120/170
20 NOV 2024 (SO)
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP - A Theart
(S vld Merke)

Alida Conradie

From: Brenda
Sent: Wednesday, 20 November 2024, 10:09
To: Alida Conradie
Subject: Re: Objection to Bottle Store in Pearly Beach

Please Please Please!!

I wish to raise my Concern & Objection to the establishing of a Bottle Store in Pearly Beach!

1. All it will do is encourage bad elements into our little village.
2. Surely we have enough public places to obtain Alcohol should we wish to socialize.
3. It will tempt & encourage unsupervised teenagers who are on holiday, to obtain alcohol.
4. Think of the litter not only on the beach but around our village.
5. There are enough Bottle stores in Gansbaai.
6. Besides Pearly Beach is a Conservancy Area.

Thanking you in advance.
B Strydom

FILE NO. Erf 639-GPB
SCAN NO. 03
COLLABORATOR NO.
2567405

TP 20 NOV 2024

535

Alida Conradie

639 GPB

REKORDBEHEER 121/170

20 NOV 2024 (S)

From: Tinus Prinsloo
Sent: Wednesday, 20 November 2024 11:00
To: Alida Conradie
Subject: Re: ERF 249 PEARLY BEACH
639

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP - A Theart
(S vld Merwe)

Jammer Alida dis nie die erf nie....ek verwys na die drankwinkel in LAW STRAAT PEARLY BEACH

MAW. Prinsloo
082 882 8290

On Wed, 20 Nov 2024 at 10:57, Tinus Prinsloo <prinsloomaw@gmail.com> wrote:

Goeie middag, ek vertrou dat dit met u goed gaan. Met verwysing na bogenoemde wil my beswaar teen die voorgestelde verandering laat aan teken. My beswaar is hoofsaaklik gegrond op die tendens in S A dat leegleërs bekend is daarvoor dat hulle om drank winkels rondhang en dat hulle n oorlas van hulleself maak. Dit sal verseker n nadelige invloed hê op die bestaande besighede in daardie omgewing se kliente. Voor die gebou is na mening ook onvoldoende parkeer ruimtes wat tot gevolg mag hê dat voertuie in Law straat sal moet stilhou wat n groot gevaar inhou laastens die gebou self leen hom nie vir so n drankwinkel nie.

Geniet u dag
Tinus

MAW. Prinsloo

FILE NO. Erf 639-GPB
SCAN NO. 01
COLLABORATOR NO.
2567379

20 NOV 2024

TP

REKORDBEHEER 122/170
19 NOV 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Alida Conradie

From: Ivy Hartman
Sent: Tuesday, 19 November 2024 09:48
To: Alida Conradie
Subject: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION

TP - A Theart
(S - Id Merke)

I strongly object to the bottle store proposal due to the fact we have 4 licensed restaurants in Pearly, the Oord shop sells wines, Eluxlweni has a Shabeen or too and there is absolutely no reason to add another alcohol shop to Pearly.

The affect to local business and traffic this type of shop brings to the area with cheap liquor would not benefit any of our businesses or citizens.

Ivy Hartman
 50 Arcadia Street
 Pearly Beach

FILE NO. Erf 639 - GPB
SCAN NO.
COLLABORATOR NO.
2556677

✓

IP

19 NOV 2024

537
TP - A Theart
(S vld Merwe)

REKORDBEHEER	123/170
20 NOV 2024	53
DOCUMENT CONTROL	
OVERSTRAND MUNICIPALITY	

Alida Conradie

From: Ingrid Munro
Sent: Tuesday, 19 November 2024 14:45
To: Alida Conradie
Subject: Re: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner

Dear Alida

My name is Ingrid Munro from 19 Longmarket Street, Pearly Beach Erf 619.

We strongly object to the proposed planning earmarked for Erf 639, 9 Law Street, Pearly Beach as we DO NOT want any bottle stores popping up in our area due to possible attraction of bad elements & increase in crime.

We urge this proposal be scrapped.

Please confirm our objection.

Thank you.

Kind regards.
Ingrid Munro

FILE NO. Erf 639 - GPB ✓
SCAN NO.
COLLABORATOR NO. 2557052

"All things are **POSSIBLE** if you **BELIEVE**"
TRUE STORY
Blessed day further!

On Tue, Nov 12, 2024 at 9:13 AM Natasha <natasha@planactive.co.za> wrote:

To whom it may concern

You are regarded as a potentially affected property owner.

Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) requires that notice must be given, and Section 49 allows for a period of not less than 30 days from the date on which notice was given to affected persons to submit comments, objections, or representations in respect of a land use planning applications. Council, during a meeting held on 30 November 2023, resolved that such notice be given via e-mail in accordance with the provisions of the Electronic Communications and Transactions Act, 25 of 2002. Due to ongoing difficulties in service delivery experienced by the South African Post Office, and as per the aforesaid Council resolution, **NO** registered mail/letters will be forwarded in the interim period.

20 NOV 2024

Alida Conradie

639 GPB

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

From: Duncan Churchman
Sent: Monday, 18 November 2024 14:51
To: Alida Conradie
Subject: FW: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner D.CHURCHMAN/ H.CHURCHMAN OBJECTION

TP-A Theart
(S vld Merwe)

To Whom it May concern,
Please acknowledge receipt of my objection.
Regards,
Duncan Churchman

From: Duncan Churchman
Sent: Monday, November 18, 2024 2:47 PM
To: 'Natasha'
Cc: 'Hilary Churchman'
Subject: RE: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner D.CHURCHMAN/ H.CHURCHMAN OBJECTION

Dear Mr. Mc Lachlan.
My name is Duncan Churchman, no3 The Crescent Pearly Beach. I have been a resident since 1992 and property owner since 1987.

My wife and I [also a property owner no5 The Crescent Pearly Beach] do not want a bottle store in the Village.

There is no study that I am aware of, that shows community upliftment that is associated with liquor sales/availability.

The Government is currently debating the merits of increasing the lawful age for alcohol purchases because of the negative effects of liquor on driving, femicide, child birth etc

Pearly Beach residents are incensed with the new drive to lease/ Air B&B houses. The lessees trend to loud parties, liquor consumption, anti-social behaviour and the disruption to peace and quiet. Then they disappear home! The common denominator ...drink.

In the Village there are a few outlets to purchase beer and wine so clearly hard liquor is the point of difference for this proposal. As a farmer for forty years I have observed on my farm how staff have changed their drinking habits from beer, to cider, to "hard tack".

The concomitant after hours behaviour change is radical negative and after weekend productivity is poor.

There are apparently 5 shebeens that operate in the PB township that needless to say are supported by the illegal perlemoen poaching activities. Another outlet will further worsen the situation.

If these Shebeens are currently operating, how will the already stretched SAPS force respond to incidents related to liquor over consumption in Pearly Beach?

What Pearly needs is projects that help uplift the local community and children thereof.

Sad to say, alcohol, drugs poaching are a cycle that is self supporting and our view is detrimental to Pearly Beach now and in the future.

Please do not let this proposal happen.
Please acknowledge receipt of this email.

FILE NO. Erf 639-GPB
SCAN NO. GPB 639
COLLABORATOR NO.
2556013

19 NOV 2024

Regards,
Hilary and Duncan Churchman

From: Natasha [mailto:natasha@planactive.co.za]

Sent: Tuesday, November 12, 2024 8:20 AM

To: Natasha

Subject: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner

To whom it may concern

You are regarded as a potentially affected property owner.

Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) requires that notice must be given, and Section 49 allows for a period of not less than 30 days from the date on which notice was given to affected persons to submit comments, objections, or representations in respect of a land use planning applications. Council, during a meeting held on 30 November 2023, resolved that such notice be given via e-mail in accordance with the provisions of the Electronic Communications and Transactions Act, 25 of 2002. Due to ongoing difficulties in service delivery experienced by the South African Post Office, and as per the aforesaid Council resolution, **NO** registered mail/letters will be forwarded in the interim period.

Kindly regard this email as your formal notification of such land use application. **Kindly provide your comment, objection or representations, if any, as per the instructions of the attached notice.**

Also note that the notice will be available at the Town & Spatial Planning Department, and on the municipal web page at the following link: <https://www.overstrand.gov.za/en/documents/town-planning/land-use-planning-applications>

Please refer to the attached notice, locality plan, motivation report and building plan for your information.

Kind regards.

John Mc Lachlan

PLAN
ACTIVE

Town & Regional Planners
Stads- en Streekbeplanners

Tel: 028 313 1673

18 NOV 2024

Alida Conradie

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

From: Donovan Manoek <
Sent: Monday, 18 November 2024 10:19
To: Natasha; Alida Conradie
Subject: RE: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION
Attachments: Pearly Beach 639Notice.pdf

TP - A Thearty
(S vld Merkle)

TO WHOM IT MAY CONCERN

I, DONOVAN THEODORE MANOEK, who resides at 52 TWIST ROAD, PEARLY BEACH, hereby wish to confirm the following:

- I OBJECT to the application to accommodate a bottle store on ERF 639, 9 LAW ROAD, PEARLY BEACH.
- I do not think that a bottle store in Pearly Beach is necessary, as Gansbaai is 20km away.
- It may negatively affect the area as it is mostly a residential area.

Trusting that this is satisfactory.

Thank you and kind regards

Donovan Manoek
Tom Esterhuizen + Associates
PO Box 30, MILNERTON, 7435

FILE NO. Erf 639 - GPB ✓
SCAN NO. GPB 639
COLLABORATOR NO. 2555614



TOM ESTERHUIZEN + ASSOCIATES
MECHANICAL ENGINEERS



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From: Natasha <natasha@planactive.co.za>
Sent: Tuesday, 12 November 2024 08:46
To: Natasha <natasha@planactive.co.za>

TP 18 NOV 2024

Alida Conradie

56

From: Wilhelm Spangenberg -
Sent: Monday, 18 November 2024 09:22
To: Alida Conradie
Subject: ERF 639, Lawstraat 9, Pearly Beach - aansoek vir bottelstoor

Hallo Alida,

Wilhelm Spangenberg,
 10 Therondraai, Pearly Beach

TP - A Theart
(S vld Merwe)

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
18 NOV 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Pearly Beach is 'n stil en rustige area, bekend vir die natuurskoon, en vriendelike atmosfeer. Ons wat hier woon het gekies om 20km ver weg van Gansbaai te bly, juis vir die stil en rustige atmosfeer.

Ons is baie bekommered dat 'n drankwinkel in ons area ongewenste elemente gaan lok, en onsedelike en raserige gedrag gaan ondersteun. Nie almal weet hoe om alkohol verantwoordelik te gebruik nie.

Ons sal dit wardeer as julle nie 'n aansoek vir 'n bottelstoor enige plek in Pearly Beach goedkeur nie.

Dankie
Wilhelm

FILE NO. Erf 639-GPB ✓
SCAN NO. Wilhelm
COLLABORATOR NO.
2555434

TP 18 NOV 2024

Alida Conradie

639 GPB

57

From: Shirley Mac Mahon <...>
Sent: Monday, 18 November 2024 08:19
To: Alida Conradie
Subject: Objection to Bottle Store in Pearly Beach

OVERSTRAND MUNISIPALITEIT
 REKORDBEHEER
 18 NOV 2024
 DOCUMENT CONTROL
 OVERSTRAND MUNICIPALITY

Good morning

I would like to object to the planned opening of a bottle store in Pearly Beach.

TP- A Theart
(S vld Merkle)

Following retirement, I bought my property a year ago for the following reasons:

- Pearly Beach is a conservancy area
- Nature is the total focus of the area
- No big businesses are in the area
- No street lights (still focused on nature)

I have no objection to liquor consumption (I do drink wine) but I have no problem driving to Gansbaai to purchase liquor. There are already 4 pubs in Pearly and if you want to consume alcohol, there are places to do so.

By allowing a bottle store, there is going to be further decay of the community in the area. Bottle stores encourage people to drink directly around the bottle store. They are also going to use Sassa money to spend closer to home.

I trust that this email is going to aid the decline of this request.

Regards
Shirley Mac Mahon

FILE NO.	Erf 639-GPB
SCAN NO.	Shirley
COLLABORATOR NO.	2555417

18 NOV 2024

Alida Conradie

639 GPB

58

From: Wernadine Van Rensburg
Sent: Monday, 18 November 2024 07:50
To: Alida Conradie
Subject: Dranklisensie vir Law straat Pearly Beach

Geagte Alida. Hiermee rig ek my vertoe teen n drankwinkel in Law straat Pearly Beach. Daar is baie faktore wat ek kan staaf teen dit, maar ek glo u is seker bewus van die negatiewe impak wat dit op ons dorpie sal hê. Groetnis Wernadine van Rensburg
 .Belangstingbetaler. Arcadiastraat 44

OVERSTRAND MUNISIPALITEIT
 REKORDBEHEER
 18 NOV 2024
 DOCUMENT CONTROL
 OVERSTRAND MUNICIPALITY

TP - A Theart
 (S vld merke)

FILE NO. Erf 639-GPB ✓
 SCAN NO. Wernadine
 COLLABORATOR NO.
 2555412

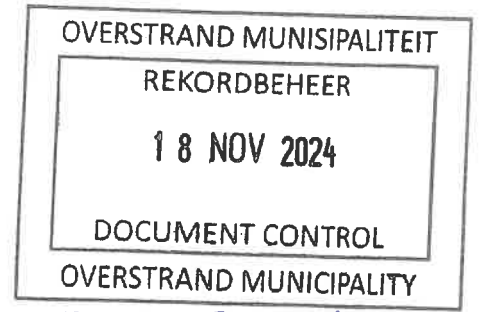
p 18 NOV 2024

Alida Conradie

639 GPB

59

From: Alida Conradie
Sent: Monday, 18 November 2024 10:18
To: Krisna
Subject: RE:



TP - A Theart
(S vld Merke)

Good morning Krisna

Kindly note that your objection must include the following:

- Name and address
- Interest in the application
- Reasons for the objection.

Kind Regards

Alida Conradie

Administrative Officer, Town- and Spatial Planning
 Directorate: Planning & Development, Overstrand Municipality, Hermanus
 A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20
 T: 028 313 8900 | F: 028 313 2093 | E: alida@overstrand.gov.za

From: Krisna <
Sent: Monday, November 18, 2024 9:32 AM
To: Alida Conradie <alida@overstrand.gov.za>
Subject:

Hi...we object against a bottle store

FILE NO.	Erf 639-GPB ✓
SCAN NO.	Krisna
COLLABORATOR NO.	2555440

TP 18 NOV 2024

Alida Conradie

60

From: Derek Smith <
Sent: Sunday, 17 November 2024 12:05
To: Alida Conradie
Subject: Kommentaar Erf 639 Pearly Beach

<p>OVERSTRAND MUNISIPALITEIT REKORDBEHEER 18 NOV 2024 DOCUMENT CONTROL OVERSTRAND MUNICIPALITY</p>

TP-A Theart
(S vld Merkle)

Derek Smith
 4 Steep St, Pearly Beach.

Inwoner

Ek ondersteun nie die versoek om n bottelstoor by bg adres op te rig nie.
 Ek is bekommerd oor die uitwerking wat dit op die sekuriteit in die dorp kan hê weens die onverantwoordelike gebruik van alkohol. Daar is reeds genoegsame kroeë in die dorp sowel as n plek waar drank aangekoop kan word. In my opinie dus genoegsame toegang tot alkohol.
 Beste Wense

FILE NO. Erf 639-GPB ✓
SCAN NO. Derek
COLLABORATOR NO. 2555406

18 NOV 2024

TP

546

Alida Conradie

639 GPB

18 NOV 2024

61

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

From: Marlyn Theron <
Sent: Saturday, 16 November 2024 10:19
To: Alida Conradie
Subject: Opposing the opening of a liquor store in Pearly Beach

TP - A Theart
(S vld Merwe)

I, PJ Theron, invested in property in Pearly Beach 30 years ago, because of the beautiful nature and tranquillity. After retirement 3 years ago, we are now permanently residing in Pearly Beach. Here are my reasons for opposing the opening of a liquor store.

- 1: The site is very close to the residential area
 - 2: That type of business draw loiters and beggars that can become a safety risk for residents.
 - 3: There is more than enough liquor stores in Gansbaai to meet our needs.
 - 4: This is also a high risk business that draw armed robbers and burglars into our residence and put the safety of every one of us at risk.
 - 5: There is already people that are addicted to alcohol, why bring it to their doorstep?
- Please keep a liquor store out of our beautiful town.

Regards.

P.J. Theron
 4 Ridge rd
 Pearly Beach.

FILE NO.	Erf 639-GPB ✓
SCAN NO.	Theron
COLLABORATOR NO.	2555428

TP 18 NOV 2024

547

639 GPB

TP - A Theart
(Sjld Merkte)

REKORDBEHEER 133/170

18 NOV 2024

62

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

To whom it concerns

Relaxation of Erf 249 Pearly Beach (52 Crest Road Pearly Beach)

I am writing to express my strong opposition to the proposed opening of a bottle store in Pearly Beach. Our town is a quiet and peaceful community with relatively low crime rates, but we are already struggling with high levels of joblessness and abalone smuggling that cause crime and drug abuse.

Allowing a bottle store to operate in our town will only exacerbate these problems. Statistics clearly show that easy access to alcohol can further impoverish communities, leading to increased social and economic challenges.

Moreover, I am deeply concerned about the impact on our children and vulnerable members of society. Allowing a bottle store will only increase the likelihood of foetal alcohol syndrome and abuse of women and children. Our community cannot afford to enlarge the plight of these vulnerable individuals.

Granting permission for a bottle store would be short-sighted and irresponsible. I urge you to consider the long-term consequences and the well-being of our community.

Instead, I propose that we focus on initiatives that promote economic development, job creation, and social upliftment. Let us work together to build a brighter future for Pearly Beach.

Thank you for considering my objection.

Sincerely,

LM van Rooyen

Owner of Rotunda Street 14

FILE NO.	Erf 249 - GPB	✓
SCAN NO.	LM	
COLLABORATOR NO.	2555494	

18 NOV 2024

Alida Conradie

63

From: Pete Whitehouse
Sent: Thursday, 14 November 2024 13:46
To: Alida Conradie
Subject: Pearly Beach Bottle store

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
14 NOV 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP-A Theart
(S vld Merke)

Hi Alida

I vote **against** a change in the regulation to allow a bottle store. The rules were put in place for a reason. There a numerous instances where a liquor outlet has changed the culture of the town.

I have been in Pearly Beach for 26 years and see no need to make this change.

Regards

Pete Whitehouse
3 Vergesig Street.



Pete Whitehouse MANAGING DIRECTOR

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 @CArecruitment
 ca.financial.appointments

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FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO. 2469126

14 NOV 2024

OVERSTRAND MUNISIPALITEIT 135/170
 REKORDBEHEER
 14 NOV 2024
 DOCUMENT CONTROL
 OVERSTRAND MUNICIPALITY

(64)

TP-A Theart
(Suid Merke)

DEPARTMENT: TOWN PLANNING
 Overstrand Municipality
 Attention: Mr SW van der Merwe – Senior Town Planner
 Email alida@overstrand.gov.za

13 November 2024

ERF 639, 9 LAW STREET, PEARLY BEACH:

Application for removal of restrictive Title Deed conditions and consent Use

I would like to lodge an objection to the removal of restrictive title deed conditions and consent use Erf 639, 9 Law Street. [Application for Consent Use to accommodate a bottle store on the property.]

Pearly Beach is essentially a resort town with weekend and seasonal holiday visitors. The local population is small (2011 census indicating just 1041).

There are already a number of restaurants which are licenced to sell alcohol and thus service the needs of both tourists and locals.

Pearly Beach’s designation as a natural conservancy underscores the areas ecological sensitivity. An increase in foot traffic and vehicle presence due to a new liquor store would disrupt the habitats of protected species.

Furthermore, Pearly Beach has an extensive beachfront. There is currently prohibition of alcohol on beaches. Illegal possession of alcohol on the beach would be a direct result of easy access to alcohol via an off-sales liquor outlet.

Alcohol sales are always linked to anti-social behaviour. This is certainly not in the interests of the community where unemployment rate is high with many impoverished residents.

A liquor off-sales would not stimulate the economy nor offer employment opportunities. There is no substantial commercial hub nor even a franchise supermarket or pharmacy in Pearly Beach. Liquor store is definitely not essential in this small resort hub.

Crime statistics released by Police Minister stress that alcohol plays a major role in the ever-increasing crime in the country. In addition South Africa already has one of the highest car crash rates in the world with an estimated 58% being alcohol-related.

Of further concern is the matter of precedence. If one re-zoning application is issued for alcohol off-sales, then others would follow and the problems outlined above will escalate exponentially.

MRS M J SCHUTTE

Property Owner: 19/21 Camp Street, Pearly Beach (Erven 508 & 509)

14 NOV 2024

FILE NO. Erf 639- GPB
 SCAN NO.
 COLLABORATOR NO.
 2511715

Alida Conradie

639 GPB

69

From: Annie ·
Sent: Thursday, 14 November 2024 16:34
To: Alida Conradie
Subject: Comment on attached notice
Attachments: Pearly Beach 639Notice.pdf

OVERSTRAND MUNISIPALITEIT
 REKORDBEHEER
 15 NOV 2024
 DOCUMENT CONTROL
 OVERSTRAND MUNICIPALITY

TP-A Theart (Svd Merke)

Hi there Alida

The proposed bottle store will definitely affect our lives in a negative way, from a safety, noise and loitering point of view.

The whole point of us living in Pearly Beach conservancy is for peace and safety. I am strongly opposed to a bottle store being built within 200m from our home.

It attracts unsavoury characters, who loiter around the area. So my kids will not be free to walk to the beach! There is no need, or benefit from having a bottle store and will only add to crime and unnecessary safety risks. It is not a growth investment for the residence of Pearly Beach!

It is a strong NO from our family.

Kind regards

Annie

ANNIE KLUSON

MARKETING & EVENTS

P.O. Box 394, Douglasdale, 2165



RED & GREEN MARKETING

THE SOLUTIONS COMPANY

FILE NO. Erf 639-GPB
 []
 SCAN NO.
 []
 COLLABORATOR NO.
 2511832

15 NOV 2024

Alida Conradie

639 GPB

66

From: Ronel Nel <.....>
Sent: Thursday, 14 November 2024 06:40
To: Alida Conradie
Subject: Fw: No Bottle Store in Pearly Beach

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
14 NOV 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP - A Theart (S vld Merwe)

To Whom It May Concern,

I am writing to express my strong opposition to the proposed bottle shop development in Pearl Beach. As a resident who values the unique character and peaceful atmosphere of our coastal community, I have several significant concerns about this proposal.

Pearl Beach is renowned for its pristine natural environment, family-friendly atmosphere, and village character. A bottle shop would be incompatible with these established community values for the following reasons:

1. Community Character
 - o Pearl Beach has historically maintained a low-key, residential atmosphere
 - o The existing mix of small businesses already serves our community's needs
 - o A bottle shop would alter the quiet village ambiance that attracts families and residents. There are already enough bottle stores in Gansbaai.
2. Traffic and Safety Concerns
 - o Potential increase in drink-driving risks on our winding access roads
3. Environmental Impact
 - o Increased litter risks to our beach and natural areas
 - o Additional waste management challenges
 - o Social Considerations
4.
 - o Proximity to areas frequently used by families and children
 - o Potential for late-night noise and disturbance
 - o Impact on the peaceful enjoyment of nearby residential properties
5. Existing Services
 - o Adequate alcohol retail outlets already exist in nearby Gansbaai
 - o No demonstrated community need for additional alcohol services

The proposed development would offer minimal community benefit while potentially causing significant disruption to our suburb's established character and lifestyle. Pearl Beach's appeal lies in its natural beauty, community spirit, and family-friendly environment. A bottle shop would be inconsistent with these values and could negatively impact property values and tourism.

I strongly urge the relevant authorities to reject this proposal and maintain Pearl Beach's unique character as a peaceful coastal community.

Ronel Nel

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2468814

TP 14 NOV 2024

Alida Conradie

OVERSTRAND MUNICIPALITEIT REKORDBEHÊER 138/170 14 NOV 2024 (67) DOCUMENT CONTROL OVERSTRAND MUNICIPALITY
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From: Lynne Swart
Sent: Thursday, 14 November 2024 11:01
To: Alida Conradie
Subject: Objection to bottle store in Pearly Beach

TP-A Theart
 (S ↓ Id Merwe)

Please, I urge you to not allow the opening of a bottle store in Pearly Beach. I bought my house here as so many others have, to enjoy the serenity, wild life, sea and many other beauties the conservancy has to offer. A Bottle store takes away all of that and encourages a crime area, vagrants, rowdy gatherings, broken glass on the beach, fighting etc. Most of the residents are always picking up litter or broken glass strewn in the street, open plots and the beach and this is without a bottle store here. There are already enough places in Pearly Beach where the desperate can buy liquor. I will be very disappointed should this happen.

Regards
 ynne Swart

FILE NO. Erf 639-GPB
<input type="text"/>
SCAN NO.
<input type="text"/>
COLLABORATOR NO.
2469131

TP 14 NOV 2024

Alida Conradie

68

From: Neil Botes
Sent: Thursday, 14 November 2024 12:02
To: Alida Conradie
Cc: Trudy Botes
Subject: FW: RE: Proposed Bottle store for Pearly Beach

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
14 NOV 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP- A Theart (Suid Merkte)

Goeie dag Alida

My onderstaande skrywe vandag is om 'n formele objeksie / klagte in te dien ten opsigte van die voorlegging vir 'n nuwe bottle stoor in Pearly Beach.

Ek voel dat 'n nuwe bottle stoor glad nie nodig is in die klein stukkie paradys nie. Gansbaai is al klaar besaai met dit.

Hoe sal ons paaie in die dorp dit hou met die groot trokke en ekstra verkeer ? Die geraas sal mens mal maak.

Dit sal net veroorsaak dat daar meer rommel gaan wees.

Ek kan my net indink hoe die bottels en sakkies op die strand en op ons paaie gaan rondle.

Gaan die munisipaliteit voorsiening maak vir ekstra skoonmaak en teen watter koste sal dit weer by jou eiendomsbelating gevoeg word ??

Meer mense sal van nature meer onder die invloed op straat wees wat tot erge nagevolge kan lei.

Motor ongelukke met voetgangers ens.

Ek kan nie sien hoe dit werkskepping in die area gaan bevoordeel nie.

Miskien 4 nuwe poste kan geskep word en dit slegs in die besige seisoen tyd.

Daar sal volgens my verseker meer insidente plaasvind van geweld teen kinders en vrouens.

Ons gemeenskap en die samelewing kan dit nie bekostig nie.

Ek is van mening dat die SAPD (Suid Afrikaanse Polisie Dienste) al klaar te yl gesaai is en sal dus sukkel om die wet en orde te hanthaaf.

Ek sukkel om te sien hoe 'n nuwe bottle stoor die gemeenskap in 'n positiewe lig sal beïnvloed.

Die winkel sal seker ook tot laat in die aand wil handeldryf wat al die bogenoemde punte net sal vererger.

U terugvoering sal waardeer word.

Neil Botes
4 Twist straat

From: t.botes [mailto:t.botes@mweb.co.za]
Sent: 14 November 2024 08:47 AM
To: ICE Neil Botes <neilbotes@mweb.co.za>
Subject: FW: RE: Proposed Bottle store for Pearly Beach

Write your own letter

----- Original message -----

From: Alida Conradie <alida@overstrand.gov.za>
Date: 2024/11/14 08:26 (GMT+02:00)
To: "t.botes" <t.botes@mweb.co.za>
Subject: RE: Proposed Bottle store for Pearly Beach

FILE NO. Erf b39-GPB
SCAN NO.
COLLABORATOR NO.
2511680

Good day

14 NOV 2024



Alida Conradie

639 GPB

69

From: Elna Wichmann Heath <
Sent: Thursday, 14 November 2024 23:23
To: Alida Conradie
Subject: Fwd: Bottle Store objection in Pearly

OVERSTRAND MUNISIPALITEIT
 REKORDBEHEER
 15 NOV 2024
 DOCUMENT CONTROL
 OVERSTRAND MUNICIPALITY

TP - A Theart
(S vld merke)

I object to a bottle store being built in Pearly Beach.

Regards
 Elna Wichmann Heath

<https://www.facebook.com/share/15UWTqAS8W/>

FILE NO.	Erf 639-GPB
SCAN NO.	
COLLABORATOR NO.	2511824

TP 15 NOV 2024

Alida Conradie

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

From: Martin Swanepoel
Sent: Thursday, 14 November 2024 12:54
To: Alida Conradie
Subject: Objection against proposed bottle store in Pearly Beach.

TP-A Theart
(Suid Merwe)

I moved to Pearly Beach 3 years ago upon retirement. After a lot of researching I decided on Pearly Beach because of the peaceful nature of the village. No street lights, no shopping centre, no bottle store and a nature conservatory as a bonus. I have experienced the effect of a liquor store in a rural area. Before moving to PB I farmed in Sutherland. The effect of a bottle store on the town is devastating. On SASSA pay days the people flocked to the store only to roam the streets as beggars a few days later. I strongly oppose the application to open a bottle store in Pearly Beach.

Kind regards

Martin Swanepoel Pearly Beach

FILE NO.	Erf 639-GPB
SCAN NO.	
COLLABORATOR NO.	246 9138

TP

14 NOV 2024

556

Alida Conradie

639 GPB

REKORDBEHANDLING

14 NOV 2024

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

From: Lee anne Britz
Sent: Thursday, 14 November 2024 09:53
To: Alida Conradie
Subject: OBJECTION AGAINST BOTTLE STORE PEARLY BEACH

TP-A Theart
(Suld Merwe)

Good day

I moved to pearly beach almost three years ago for the quiet and safety..I went through a very bad time in my life and needed the relaxation and peacefulness in pearly..fell in love with this place..I think a bottlestore would just cause problems, bringing more problems than solutions to our small town..I live in central street and at night the racing of cars feel like i am at killarney race track some times..definetly people who have been drinking..There is enough pubs here and understand it is expensive to drink at a pub and would be cheaper for people to buy their alcohol at a bottlestore but still think it is a bad idea for our community to have to deal with unwanted things which will or might happen if it is opened.. just my opnion this place is amazing just the way it is.. please stop the changing of laws to allow this to happen regards

[Redacted]

Micmatgifts

Contact Lee-Anne Britz

ph/whatsapp 0826768974

FILE NO.	Erf 639-GPB
SCAN NO.	
COLLABORATOR NO.	2469124

14 NOV 2024

TP

557

TP - A theart
(S vld Merwe)

REKORDBEHEER
143/170

14 NOV 2024

72

Alida Conradie

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

From: Chrizelle Louw <
Sent: Thursday, 14 November 2024 04:34
To: Alida Conradie
Subject: Fwd: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner
Attachments: Pearly Beach 639Notice.pdf

Goeie dag

Ek staan die aansoek teen. Ek besit 'n eiendom in Pearly Beach en dink nie die tipe besigheid is positiewe ontwikkeling van die dorp nie. Dit gaan die karakter van die dorp skend en onaangename elemente lok.

Groete

Chrizelle Louw
25 Centralstraat, Pearly Beach
Cell 084 211 0058 - email chrizellelouw.cl@gmail.com

FILE NO.	Erf 639-GPB
SCAN NO.	
COLLABORATOR NO.	2468759

----- Forwarded message -----

From: **Natasha** <natasha@planactive.co.za>
Date: Tue, 12 Nov 2024 at 08:31
Subject: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner
To: Natasha <natasha@planactive.co.za>

To whom it may concern

You are regarded as a potentially affected property owner.

Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) requires that notice must be given, and Section 49 allows for a period of not less than 30 days from the date on which notice was given to affected persons to submit comments, objections, or representations in respect of a land use planning applications. Council, during a meeting held on 30 November 2023, resolved that such notice be given via e-mail in accordance with the provisions of the Electronic Communications and Transactions Act, 25 of 2002. Due to ongoing difficulties in service delivery experienced by the South African Post Office, and as per the aforesaid Council resolution, **NO** registered mail/letters will be forwarded in the interim period.

Kindly regard this email as your formal notification of such land use application. **Kindly provide your comment, objection or representations, if any, as per the instructions of the attached notice.**

Also note that the notice will be available at the Town & Spatial Planning Department, and on the municipal web page at the following link: <https://www.overstrand.gov.za/en/documents/town-planning/land-use-planning-applications>

10 14 NOV 2024

Alida Conradie

639 GPB

73

From: Raymond Ritchie
Sent: Wednesday, 13 November 2024 15:09
To: Alida Conradie
Subject: Liquor outlet

OVERSTRAND MUNISIPALITEIT
 REKORDBEHEER
 14 NOV 2024
 DOCUMENT CONTROL
 OVERSTRAND MUNICIPALITY

TP-A Theart
(S vld Merkle

Please note that 99 Crest road Pearly Beach objects to this proposal.
 Thanks
 Raymond Ritchie.
 Sent from my iPhone

FILE NO. Erf 639-GPB
<input type="text"/>
SCAN NO.
<input type="text"/>
COLLABORATOR NO.
2468794

TP 14 NOV 2024

OVERSTRAND MUNISIPALITEIT
 REKORDBEHERRIGING 15/170
 13 NOV 2024 (14)
 DOCUMENT CONTROL
 OVERSTRAND MUNICIPALITY

TP - A Theart
 (S vld Merkle)

Alida Conradie

From: Wendy <
Sent: Wednesday, 13 November 2024 11:06
To: Alida Conradie
Subject: Bottle store in pearly beach

Good day

As a pearly beach resident I am not happy about the idea of a bottle store in our quiet beach town, it will cause the pubs to lose business aswell as we also the resort shop and pubs that sell alcohol. It will destroy our town and I'm sure you will get alot more emails regarding this bottle store from the pearly beach residents!.

Thank you.

FILE NO. Erf 639-GPB
 SCAN NO.
 COLLABORATOR NO.
 2426063

TS

14 NOV 2024

146/170

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

560

TP - A Theart
(S vld Merwe)

Alida Conradie

From: Wiss, Karin, Mrs
Sent: Wednesday, 13 November 2024 12:36
To: Alida Conradie
Subject: Comment | Erf 639 Pearly Beach [application for removal of title deed restrictions]

Dear Alida

**ERF 639 PEARLY BEACH
 APPLICATION FOR REMOVAL OF TITLE DEED RESTRICTIONS TO ALLOW FOR A BOTTLE STORE**

I am a property owner in Pearly Beach, that is hoping to build a home there in due course and as such feel that it is my duty to comment on the above application.

I am not in support of the above application, for the following reasons:

SOUTH AFRICA AND IT'S "DRINKING PROBLEM"

According to SADAG (the South African Depression and Anxiety Group), "age, peer pressure, and the low cost and easy accessibility of drugs and alcohol in South Africa are increasing the risk factors of abuse among adolescents and young adults. According to the World Drug Report 2021 the population most at risk of using drugs, young people aged 15–34, is projected to grow in the next decade, in particular in low-income countries. The average age for drug dependency in South Africa is a staggering 12 with 50% of South African teens drinking alcohol."

Whilst alcohol can of course be legally bought for off-consumption in Gansbaai, having bottle store in Pearly Beach will provide easy access to alcohol for residents and visitors. Having to travel to Gansbaai to purchase alcohol for consumption at home means that consumption has to be planned in advance, which likely means that persons will either plan ahead or consume less.

Let me be clear, I am not a prohibitionist and enjoy a drink or two socially myself – however having alcohol readily available on your doorstep in a country that clearly has a problem, should be avoided if possible.

VIOLENCE AND ALCOHOL

In South Africa (probably elsewhere in the world as well), it is clear that there is a direct link between alcohol abuse and violence.

"Data from Tygerberg Hospital in Bellville, Cape Town, shows trauma ward admissions rising 120% in the weekend after the second lockdown ended – from 75 cases to 155 cases. Eighty-five percent of those cases were clinically assessed to be alcohol-related." (as per the SA Medical Research Council).

Again, not having a bottle store in a town or village, will not stop people from drinking, but having less access to alcohol, may assist in managing those that do not just consume alcohol socially, but abuse it.

PEARLY BEACH

The reason why I bought a property in Pearly Beach is exactly because it is a small village, where nature conservation is close the heart of most of the residents and where commercial activities are very limited. Gansbaai is close enough for those that need goods and services not offered in the village. Pearly Beach does NOT NEED a bottle store.

Kind regards

14 NOV 2024

FILE NO.	Erf 639-GPB
SCAN NO.	2468803
COLLABORATOR NO.	

The integrity and confidentiality of this email are governed by these terms. [Disclaimer](#)
Die integriteit en vertroulikheid van hierdie e-pos word deur die volgende bepalinge bereël. [Vrywaringsklousule](#)

Alida Conradie

639 GPB

6

From: t.botes <
Sent: Wednesday, 13 November 2024 13:38
To: Alida Conradie
Subject: Proposed Bottle store for Pearly Beach

OVERSTRAND MUNISIPALITEIT
 REKORDBEHEER
 14 NOV 2024
 DOCUMENT CONTROL
 OVERSTRAND MUNICIPALITY

TP - A Theart
(S vld Merwe)

To whom it may concern

I am writing this letter as a formal objection to the proposal for a bottle store in Pearly Beach.

This is totally unwarranted for a small town with very little infrastructure to speak of.

A bottle store will not address the needs of the community and it will also not provide sufficient employment to burgeoning informal settlements on the peripheries of Pearly Beach.

If anything, a bottle store will perpetuate the existing issues of drinking and other social issues in this already vulneable area resulting from alcohol abuse already prevalent in our communities. As studies frequently prove, alcohol consumption increases domestic violence, child abuse, criminal behaviour and various other anti social behaviours.

There is more than two formal bottle stores in the Gansbaai area along with various informal Taverns in the townships. A bottle is store is not going to serve the community of Pearly Beach in a positive way whatsoever. If anything, it will ruin the quietness of this little town and bring the value of the properties down

I await your response.

TE Botes
14 Twist Street
Pearly Beach

FILE NO. Erf 639-GPB
 SCAN NO.
 COLLABORATOR NO.
 2468833

TP

14 NOV 2024

563

639 GPB

REKORDBEHEER 149/170

13 NOV 2024

(17)

Alida Conradie

From: Carol Connor
Sent: Wednesday, 13 November 2024 11:19
To: Alida Conradie
Subject: Bottle store

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP-A Theart
(Suid Merke)

No bottle store for pearly beach please this is a conservancy and the reason many people have retired in pearly beach for the quiet relaxed conservancy. Thank you.
Sent from my iPhone

FILE NO. Erf 639-GPB
<input type="text"/>
SCAN NO.
<input type="text"/>
COLLABORATOR NO.
2426096

13 NOV 2024

TP

564

Alida Conradie

639 GPB

REKORDBEHEER
150/170

14 NOV 2024 (18)

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

From: Elmarie van Aswegen
Sent: Wednesday, 13 November 2024 15:54
To: Alida Conradie
Subject: REQUEST FOR COMMENTS : ERF ⁶³⁹~~249~~ PEARLY BEACH

TP-A Theart
(Suid Merkle)

Hallo,

Hiermee wil ek beswaar aanteken teen die beoogde ontwikkeling / opening van 'n drankwinkel in Pearly Beach. Daar is genoeg drankwinkels in Gansbaai en elders. 'n Drankwinkel in Pearly Beach sal die rus en vrede en karakter van Pearly Beach versteur en verder sal dit die plek ontsuur en heel moontlik ongewenste kriminele elemente lok.

Groete,

Elmarie van Aswegen
Ridgeweg
Pearly Beach

FILE NO.	EF 639-GPB
SCAN NO.	
COLLABORATOR NO.	2468846

TP

14 NOV 2024

Alida Conradie

79

From: AJ Meyer
Sent: Wednesday, 13 November 2024 11:11
To: Alida Conradie
Cc: Lee-Ann Wifey ♡
Subject: Re: FW: ERF ~~249~~ PEARLY BEACH
 639

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
13 NOV 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Dear Alida

I would like to object to the proposed bottle store on erf 639, Pearly Beach.

TP-A Theart
(S Jld Merkle)

- Name: Andrew Meyer
- Address: 28 Twist Street, Pearly Beach. Contact number - 0829055520
- I would like to object to the proposal
- My reason is that there is a risk of increased alcohol consumption in Pearly Beach if the bottle store was to open. Pearly Beach is currently a safe area where our children can play and ride their bikes on the road. With the increase in alcohol consumption, the danger is drinking and driving and unruly behaviour which in my opinion is an unwanted risk.

Kind regards
Andrew Meyer

On Wed, 13 Nov 2024 at 10:50, Alida Conradie <alida@overstrand.gov.za> wrote:

Dear Mr Meyer

Kindly note that the proposed bottle store is on Erf 639, Pearly Beach.

Your objection must be submitted in writing and addressed to the person mentioned in the notice within the time period stated in the notice.

The objection must state the following:

- The name of the person concerned
- Address and/or contact details
- Interest in the application
- Reasons for the objections (indicate the facts and circumstances which explains the objection; demonstrate the undesirable effect which the application will have on the area; demonstrate any aspect of the application which is not considered consistent with applicable policy)

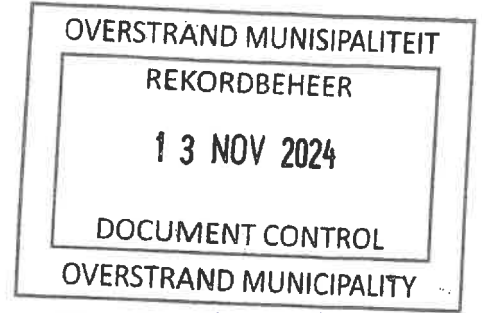
FILE NO. Erf 249-GPB
SCAN NO.
COLLABORATOR NO.
2426031

13 NOV 2024
TP

Alida Conradie

639 GPB

From: AJ Meyer
Sent: Wednesday, 13 November 2024 10:40
To: Alida Conradie
Cc: Lee-Ann Wifey ♡
Subject: ERF 249 PEARLY BEACH



TP-A Theart
(S vld merke)

Dear Alida

I would like to object to the opening of a bottle store in Pearly Beach. Please let me know what documentation I need to complete.

--
Kind regards

Andrew Meyer
28 Twist Street

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2426072

TP 13 NOV 2024

639 GPB

13 NOV 2024 (80)

Alida Conradie

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

From: Marie Mutlow
Sent: Wednesday, 13 November 2024 10:28
To: Alida Conradie
Subject: Fwd: Objection Bottle Store Pearly Beach

JP - A Theart
(S v Id Merke)

To Whom It May Concern,

I am writing to raise my objection to the proposal for a bottle store in Pearly Beach, Western Cape. Pearly Beach is a serene coastal village cherished for its family-friendly atmosphere, natural landscapes, and appeal to both residents and tourists seeking tranquility. Establishing a bottle store here presents a number of concerns that could compromise the community's safety, well-being, and unique character.

1. Potential for Increased Crime and Public Disturbance It is well-documented that alcohol retail outlets are often linked to higher incidents of crime, including theft, vandalism, and public disturbances. Given Pearly Beach's limited law enforcement resources, any increase in such incidents may stretch local services thin and could negatively impact residents' safety and quality of life.
2. Risks to Community Health and Youth Welfare The introduction of another alcohol outlet in a small, close-knit community like Pearly Beach could encourage underage drinking and foster a culture of alcohol dependency. Greater access to alcohol in such a small community could impact not only the health of residents but also the social fabric, particularly affecting young people and other vulnerable groups.
3. Environmental and Tourism Impact Pearly Beach is highly regarded for its unspoiled beaches, marine life, and natural surroundings, which draw eco-minded tourists and nature enthusiasts. The presence of a bottle store may lead to issues such as litter, noise, and pollution, potentially deterring tourists and diminishing property values. This could undermine local efforts to promote sustainable tourism and conservation in the area.
4. Limited Community and Economic Benefits Unlike businesses that provide essential services or contribute to economic development, a bottle store offers limited benefits to the local community. With existing outlets within a reasonable distance, this new establishment is unlikely to contribute to the community's economic growth or service diversity.

In Summary For these reasons, I strongly urge decision-makers to carefully consider the negative impact of introducing a bottle store to Pearly Beach. The priority should be on preserving the area's peaceful character and safeguarding the health and safety of its residents, environment, and visitors.

Thank you for considering this objection.

Yours sincerely,

Marcel Mutlow
11 Main Street
Pearly Beach

FILE NO.	Erf 639- GPB
SCAN NO.	
COLLABORATOR NO.	2426029

N

13 NOV 2024

Alida Conradie

639 GPB

REKORDBEHEER 154/170 13 NOV 2024 (81)
DOCUMENT CONTROL OVERSTRAND MUNICIPALITY

From: Marie Mutlow
Sent: Wednesday, 13 November 2024 10:29
To: Alida Conradie
Subject: Objection Bottle Store Pearly Beach

TP - A Theart (S vld Merke)

To Whom It May Concern,

I am writing to raise my objection to the proposal for a bottle store in Pearly Beach, Western Cape. Pearly Beach is a serene coastal village cherished for its family-friendly atmosphere, natural landscapes, and appeal to both residents and tourists seeking tranquility. Establishing a bottle store here presents a number of concerns that could compromise the community's safety, well-being, and unique character.

- 1. Potential for Increased Crime and Public Disturbance** It is well-documented that alcohol retail outlets are often linked to higher incidents of crime, including theft, vandalism, and public disturbances. Given Pearly Beach's limited law enforcement resources, any increase in such incidents may stretch local services thin and could negatively impact residents' safety and quality of life.
- 2. Risks to Community Health and Youth Welfare** The introduction of another alcohol outlet in a small, close-knit community like Pearly Beach could encourage underage drinking and foster a culture of alcohol dependency. Greater access to alcohol in such a small community could impact not only the health of residents but also the social fabric, particularly affecting young people and other vulnerable groups.
- 3. Environmental and Tourism Impact** Pearly Beach is highly regarded for its unspoiled beaches, marine life, and natural surroundings, which draw eco-minded tourists and nature enthusiasts. The presence of a bottle store may lead to issues such as litter, noise, and pollution, potentially deterring tourists and diminishing property values. This could undermine local efforts to promote sustainable tourism and conservation in the area.
- 4. Limited Community and Economic Benefits** Unlike businesses that provide essential services or contribute to economic development, a bottle store offers limited benefits to the local community. With existing outlets within a reasonable distance, this new establishment is unlikely to contribute to the community's economic growth or service diversity.

In Summary For these reasons, I strongly urge decision-makers to carefully consider the negative impact of introducing a bottle store to Pearly Beach. The priority should be on preserving the area's peaceful character and safeguarding the health and safety of its residents, environment, and visitors.

Thank you for considering this objection.

Yours sincerely,

William Mutlow
 11 Main Street
 Pearly Beach

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO. 2426019

13 NOV 2024

689 GPB

13 NOV 2024

Alida Conradie

From: Marie Mutlow
Sent: Wednesday, 13 November 2024 10:31
To: Alida Conradie
Subject: Objection Bottle Store Pearly Beach

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP-A Theart
(Suld merwe)

To Whom It May Concern,

I am writing to raise my objection to the proposal for a bottle store in Pearly Beach, Western Cape. Pearly Beach is a serene coastal village cherished for its family-friendly atmosphere, natural landscapes, and appeal to both residents and tourists seeking tranquility. Establishing a bottle store here presents a number of concerns that could compromise the community's safety, well-being, and unique character.

1. Potential for Increased Crime and Public Disturbance It is well-documented that alcohol retail outlets are often linked to higher incidents of crime, including theft, vandalism, and public disturbances. Given Pearly Beach's limited law enforcement resources, any increase in such incidents may stretch local services thin and could negatively impact residents' safety and quality of life.

2. Risks to Community Health and Youth Welfare The introduction of another alcohol outlet in a small, close-knit community like Pearly Beach could encourage underage drinking and foster a culture of alcohol dependency. Greater access to alcohol in such a small community could impact not only the health of residents but also the social fabric, particularly affecting young people and other vulnerable groups.

3. Environmental and Tourism Impact Pearly Beach is highly regarded for its unspoiled beaches, marine life, and natural surroundings, which draw eco-minded tourists and nature enthusiasts. The presence of a bottle store may lead to issues such as litter, noise, and pollution, potentially deterring tourists and diminishing property values. This could undermine local efforts to promote sustainable tourism and conservation in the area.

4. Limited Community and Economic Benefits Unlike businesses that provide essential services or contribute to economic development, a bottle store offers limited benefits to the local community. With existing outlets within a reasonable distance, this new establishment is unlikely to contribute to the community's economic growth or service diversity.

In Summary For these reasons, I strongly urge decision-makers to carefully consider the negative impact of introducing a bottle store to Pearly Beach. The priority should be on preserving the area's peaceful character and safeguarding the health and safety of its residents, environment, and visitors.

Thank you for considering this objection.

Yours sincerely,

Chloé Mutlow
11 Main Street
Pearly Beach

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2426011

10

13 NOV 2024

639 GPB

83

Alida Conradie

From: Marie Mutlow
Sent: Wednesday, 13 November 2024 10:26
To: Alida Conradie
Subject: Objection Bottle Store Pearly Beach

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
13 NOV 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP - A Theart (Suid Merkle)

To Whom It May Concern,

I am writing to raise my objection to the proposal for a bottle store in Pearly Beach, Western Cape. Pearly Beach is a serene coastal village cherished for its family-friendly atmosphere, natural landscapes, and appeal to both residents and tourists seeking tranquility. Establishing a bottle store here presents a number of concerns that could compromise the community's safety, well-being, and unique character.

1. Potential for Increased Crime and Public Disturbance It is well-documented that alcohol retail outlets are often linked to higher incidents of crime, including theft, vandalism, and public disturbances. Given Pearly Beach's limited law enforcement resources, any increase in such incidents may stretch local services thin and could negatively impact residents' safety and quality of life.

2. Risks to Community Health and Youth Welfare The introduction of another alcohol outlet in a small, close-knit community like Pearly Beach could encourage underage drinking and foster a culture of alcohol dependency. Greater access to alcohol in such a small community could impact not only the health of residents but also the social fabric, particularly affecting young people and other vulnerable groups.

3. Environmental and Tourism Impact Pearly Beach is highly regarded for its unspoiled beaches, marine life, and natural surroundings, which draw eco-minded tourists and nature enthusiasts. The presence of a bottle store may lead to issues such as litter, noise, and pollution, potentially deterring tourists and diminishing property values. This could undermine local efforts to promote sustainable tourism and conservation in the area.

4. Limited Community and Economic Benefits Unlike businesses that provide essential services or contribute to economic development, a bottle store offers limited benefits to the local community. With existing outlets within a reasonable distance, this new establishment is unlikely to contribute to the community's economic growth or service diversity.

In Summary For these reasons, I strongly urge decision-makers to carefully consider the negative impact of introducing a bottle store to Pearly Beach. The priority should be on preserving the area's peaceful character and safeguarding the health and safety of its residents, environment, and visitors.

Thank you for considering this objection.

Yours sincerely,

Marié Mutlow
 11 Main Street
 Pearly Beach

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2426006

TP 13 NOV 2024

Alida Conradie

639 GPB

REKORDBEHERR 1577170

13 NOV 2024

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

TP - A Theart (S vld Merwe)

From: Johann Gerber
Sent: Wednesday, 13 November 2024 11:14
To: Alida Conradie
Cc: jmorkelg
Subject: FW: Bottlestore//Pearly Beach//erf639//title deed T3644/2005

From: Johann Morkel Gerber
Sent: Tuesday, November 12, 2024 9:07 PM
To:
Subject:

Subject: Formal Complaint Regarding the Opening of a Bottlestore in Pearly Beach

Dear Sir/Madam,

I am writing to express my deep concern and objection to the proposed opening of a bottlestore in Pearly Beach. As a resident of the local community, I believe that introducing such an establishment would have detrimental impacts on our town and the well-being of its residents.

First and foremost, the introduction of a bottlestore in Pearly Beach raises serious safety concerns. The nature of the activities and attractions associated with such establishments often attracts a rowdy crowd and increases the risk of crime and disorder in the area. Given that Pearly Beach is known for its serene and family-friendly environment, the presence of a bottlestore would directly contradict the values and ethos of our community.

Furthermore, the opening of a bottlestore in Pearly Beach could have negative consequences on the local economy. By drawing attention away from existing businesses and local establishments, the introduction of a large-scale entertainment venue could result in a loss of revenue for small businesses that are the lifeblood of our town. This could lead to job losses and a decline in the overall prosperity of the community.

Additionally, the noise pollution and traffic congestion that are likely to accompany the operation of a bottlestore are significant concerns for residents who value the tranquillity and charm of Pearly Beach. The increased activity and disturbances associated with such a venue would undoubtedly disrupt the peace and quiet that so many of us cherish in our daily lives.

In light of these considerations, I urge you to reconsider the decision to open a bottlestore in Pearly Beach. I believe that such a development is not in the best interest of our town and its residents, and I respectfully request that alternative proposals that align more closely with the values and character of our community be explored.

Thank you for taking the time to consider my objections. I hope that you will give this matter the attention it deserves and make a decision that will benefit the well-being and future prosperity of Pearly Beach.

Yours sincerely,

Johann Gerber
15 Duine Str
Pearly Beach

JP

13 NOV 2024

FILE NO. Erf 639- GPB
SCAN NO.
COLLABORATOR NO.
2426055

Alida Conradie

572
TP - A Theart
(S vld Merwe)

REKORDBEHEER
158/170
13 NOV 2024

85

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

From: Mark Ramsay <
Sent: Wednesday, 13 November 2024 09:49
To: Alida Conradie
Subject: Fwd: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner
Attachments: image001.jpg; image002.jpg; image002.jpg; image001.jpg; Pearly Beach 639Notice.pdf

Good morning

This is Mark Ramsay from 41 The Crescent, Pearly Beach, 7220, South Africa. I object to the proposed application for a bottle store in Pearly Beach. There is currently a few establishments already selling alcohol, and can't understand why we would want another alcohol business in Pearly Beach.

We as residents of Pearly Beach have to travel to Gansbaai for our grocery shopping and there is sufficient bottle stores in Gansbaai for residents to buy /stock up with there alcohol requirements.

In the past few months we have had alcohol related incidents to drunk driving and accidents that has lead someone being killed on our roads. The fact that there is no direct law enforcement in Pearly Beach gives people reason to be out of control, as the closest law enforcement is in Gansbaai.

Hoping my objections will be seen in a serious manner.
Thanks Mark

----- Forwarded message -----

From: Mark Ramsay <markkus9959@gmail.com>
Date: Tue, 12 Nov 2024, 09:21
Subject: Fwd: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner
To: <marilyn2363@airbnb.co.za>

----- Forwarded message -----

From: Natasha <natasha@planactive.co.za>
Date: Tue, 12 Nov 2024, 08:20
Subject: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner
To: Natasha <natasha@planactive.co.za>

To whom it may concern

You are regarded as a potentially affected property owner.

FILE NO. Erf 639 - GPB
SCAN NO.
COLLABORATOR NO.
2425995

TP

13 NOV 2024

12 NOV 2024
573

Alida Conradie

DOCUMENT CONTROL

TP-A 159/170
639 GPB (S vld Merkle)
86

OVERSTRAND MUNICIPALITY

From: Eben du Plessis @ Rustenburg Herald
Sent: Tuesday, 12 November 2024 10:17
To: Alida Conradie
Subject: RE: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner

Vir wie dit mag aangaan -

Neem asb kennis dat ek namens EJ Kellerman van 45 Ridgeweg Pearly Beach beswaar aanteken teen die opheffing van die titel voorwaardes -

Die eindom is geleë in 'n hoofsaaklike woongebied
Die toevloei van verkeer gaan 'n negatiewe uitwerking op die padoppervlak hê
'n Bottelstoor het gewoonlik 'n baie groot invloed van mense wat nie in daardie besondere area woon nie wat kan lei tot 'n toename in inbrake in die area en nabygeleë woongebiede
Daar word baie gemors in en om bottelstore en baie kere word daar op die sypaadjie ge-eet en gedrink wat 'n gesondheids gevaar inhou

EJ du Plessis
100% power of attorney

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2383034

From: Natasha <natasha@planactive.co.za>
Sent: Tuesday, 12 November 2024 09:05
To: Natasha <natasha@planactive.co.za>
Subject: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner

To whom it may concern

You are regarded as a potentially affected property owner.

Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) requires that notice must be given, and Section 49 allows for a period of not less than 30 days from the date on which notice was given to affected persons to submit comments, objections, or representations in respect of a land use planning applications. Council, during a meeting held on 30 November 2023, resolved that such notice be given via e-mail in accordance with the provisions of the Electronic Communications and Transactions Act, 25 of 2002. Due to ongoing difficulties in service delivery experienced by the South African Post Office, and as per the aforesaid Council resolution, **NO** registered mail/letters will be forwarded in the interim period.

Kindly regard this email as your formal notification of such land use application. **Kindly provide your comment, objection or representations, if any, as per the instructions of the attached notice.**

TP
12 NOV 2024

OVERSTRAND MUNICIPALITY
REKORDBEHEER 9867470
12 NOV 2024 (87)
DOCUMENT CONTROL
OVERSTRAND MUNICIPALIT

639 GPB

Alida Conradie

From: Lizma Van Rensburg
Sent: Tuesday, 12 November 2024 11:41
To: Alida Conradie
Subject: Formal Objection to Proposed Bottle Store in Pearly Beach

TP - A Theart (S vld Merwe)

To Whom It May Concern,

I am writing to raise my objection to the proposal for a bottle store in Pearly Beach, Western Cape. Pearly Beach is a serene coastal village cherished for its family-friendly atmosphere, natural landscapes, and appeal to both residents and tourists seeking tranquility. Establishing a bottle store here presents a number of concerns that could compromise the community's safety, well-being, and unique character.

1. Potential for Increased Crime and Public Disturbance It is well-documented that alcohol retail outlets are often linked to higher incidents of crime, including theft, vandalism, and public disturbances. Given Pearly Beach's limited law enforcement resources, any increase in such incidents may stretch local services thin and could negatively impact residents' safety and quality of life.

2. Risks to Community Health and Youth Welfare The introduction of another alcohol outlet in a small, close-knit community like Pearly Beach could encourage underage drinking and foster a culture of alcohol dependency. Greater access to alcohol in such a small community could impact not only the health of residents but also the social fabric, particularly affecting young people and other vulnerable groups.

3. Environmental and Tourism Impact Pearly Beach is highly regarded for its unspoiled beaches, marine life, and natural surroundings, which draw eco-minded tourists and nature enthusiasts. The presence of a bottle store may lead to issues such as litter, noise, and pollution, potentially deterring tourists and diminishing property values. This could undermine local efforts to promote sustainable tourism and conservation in the area.

4. Limited Community and Economic Benefits Unlike businesses that provide essential services or contribute to economic development, a bottle store offers limited benefits to the local community. With existing outlets within a reasonable distance, this new establishment is unlikely to contribute to the community's economic growth or service diversity.

In Summary For these reasons, I strongly urge decision-makers to carefully consider the negative impact of introducing a bottle store to Pearly Beach. The priority should be on preserving the area's peaceful character and safeguarding the health and safety of its residents, environment, and visitors.

Thank you for considering this objection.

Yours sincerely,

Lizma J van Rensburg

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO. 2425584

TP 12 NOV 2024

79 Arcadia Street

Pearly Beach

12 NOV 2024
576

162/170

Alida Conradie

DOCUMENT CONTROL

639 GPB

88

OVERSTRAND MUNICIPALITY

TP - A Theart
(Suid merkie)

From: Charl De Wet <
Sent: Tuesday, 12 November 2024 09:58
To: Alida Conradie
Subject: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION

I Charl de Wet, 53 Central Street Pearly Beach contact number 0823657040 hereby **object** to the removal of restrictive title deed conditions in respect of the above property in favor of erecting a liquor store.

My objection stems from the fact that it has repeatedly been shown that liquor stores can attract vagrants, which may lead to an increase in crime. Pearly Beach has been without a liquor store for nearly 100 years, and most residents and visitors do their shopping in Gansbaai, where there are already plenty of liquor stores. There is therefore no need for a liquor store in Pearly Beach.

Kind regards

Charl de Wet

"All views or opinions expressed in this electronic message and its attachments are the view of the sender and do not necessarily reflect the views and opinions of the Western Cape Government (the WCG). No employee of the WCG is entitled to conclude a binding contract on behalf of the WCG unless he/she is an accounting officer of the WCG, or his or her authorised representative. The information contained in this message and its attachments may be confidential or privileged and is for the use of the named recipient only, except where the sender specifically states otherwise.
 If you are not the intended recipient you may not copy or deliver this message to anyone."

FILE NO.	Erf 639-GPB
SCAN NO.	
COLLABORATOR NO.	2383044

TP

12 NOV 2024

577
TP - A Theart
(Svd Merwe) 639 GPB

Alida Conradie

From: Martinus J van Deventer
Sent: Tuesday, 12 November 2024 09:26
To: Natasha; Alida Conradie
Subject: Re: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner
Attachments: image001.jpg

Good day

As per attached I and my family is against the establishment of a bottle store in Pearly Beach for reason being that there is already more than enough alcohol available in Pearly Beach and this establishment will not benefit all in Pearly Beach.

No. Do not allow the bottle store.

Martin van Deventer

FILE NO.	Erf 639-GPB
SCAN NO.	
COLLABORATOR NO.	2383046

On Tue, 12 Nov 2024, 09:10 Natasha, <natasha@planactive.co.za> wrote:

To whom it may concern

You are regarded as a potentially affected property owner.

Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) requires that notice must be given, and Section 49 allows for a period of not less than 30 days from the date on which notice was given to affected persons to submit comments, objections, or representations in respect of a land use planning applications. Council, during a meeting held on 30 November 2023, resolved that such notice be given via e-mail in accordance with the provisions of the Electronic Communications and Transactions Act, 25 of 2002. Due to ongoing difficulties in service delivery experienced by the South African Post Office, and as per the aforesaid Council resolution, **NO** registered mail/letters will be forwarded in the interim period.

Kindly regard this email as your formal notification of such land use application. **Kindly provide your comment, objection or representations, if any, as per the instructions of the attached notice.**

Also note that the notice will be available at the Town & Spatial Planning Department, and on the municipal web page at the following link: <https://www.overstrand.gov.za/en/documents/town-planning/land-use-planning-applications>

Please refer to the attached notice, locality plan, motivation report and building plan for your information.

Kind regards.

TP 12 NOV 2024

Alida Conradie

639 GPB

90

From: Retha Karsten
Sent: Tuesday, 12 November 2024 10:48
To: Alida Conradie
Subject: Re: Objection to Proposed Bottle Store in Pearly Beach

OVERSTRAND MUNISIPALIT
 REKORDBEHEER
 12 NOV 2024
 DOCUMENT CONTROL
 OVERSTRAND MUNISIPALIT

TP-A Theart
 (S vld Merke)

Retha Karsten
 47 Ridge Way
 Pearly Beach

On Tue, Nov 12, 2024 at 10:44 AM Retha Karsten <rethak68@gmail.com> wrote:

To Whom It May Concern,

I am writing to formally object to the proposed establishment of a bottle store in Pearly Beach, Western Cape, South Africa. Pearly Beach is a small, peaceful coastal community characterized by its family-friendly environment, natural beauty, and appeal to both residents and visitors seeking relaxation and tranquility. The introduction of a bottle store poses several concerns that threaten to disrupt the community's character, safety, and well-being.

1. Increase in Crime and Public Disturbances Studies show that alcohol retail establishments are often associated with increased crime rates, including theft, vandalism, and public disturbances. Pearly Beach has limited policing resources, and any increase in criminal activity may strain local law enforcement and compromise residents' safety.

2. Risk to Youth and Community Health An additional alcohol outlet in a small community like Pearly Beach could encourage underage drinking and have negative health impacts on the broader population. Easy access to alcohol increases the likelihood of alcohol abuse, particularly among youth and other vulnerable groups, posing a long-term risk to community health and social cohesion.

3. Environmental and Tourism Concerns Pearly Beach is known for its pristine beaches, abundant marine life, and natural beauty, which attract both tourists and eco-conscious residents. Litter, noise, and the potential for pollution from a bottle store may deter tourists, reduce property values, and harm the environment, counteracting efforts to promote sustainable tourism and conservation in the area.

4. Limited Economic and Social Benefits Unlike other business types that may provide essential services or promote economic development, a bottle store offers limited social or economic benefits to the community. There is already a selection of outlets within reasonable distance for those who seek to purchase alcohol, so this establishment may not contribute to the community's growth or diversity of services.

Conclusion For these reasons, I urge decision-makers to consider the adverse impact that a bottle store may have on Pearly Beach. Preserving the community's peaceful character and protecting its residents, environment, and visitors should be a top priority.

Thank you for considering this objection.

JP 12 NOV 2024

FILE NO.	Ef 639-GPB
SCAN NO.	
COLLABORATOR NO.	2383049

Sincerely,

Retha Karsten

580

TP - A. Theart
(S vld Merke)

REKORDBEHEER 166/170 12 NOV 2024 (91)
DOCUMENT CONTROL OVERSTRAND MUNICIPALITY

Alida Conradie

From: John Price <
Sent: Tuesday, 12 November 2024 12:58
To: Alida Conradie
Subject: Proposed Bottle store in pearly beach

Good day

I would like to oppose the application for a liquor store in pearly beach.

1: I believe it would attract an unsavoury element into our relatively quiet neighbourhood.

2: there are already several places to buy alcohol in Pearly Beach.

3: It will have a negative impact on the shops around the proposed site.

Regards
John Price

House owner

Sent from my iPhone

FILE NO. Erf 639-GPB
SCAN NO.
COLLABORATOR NO.
2425830

TP

12 NOV 2024

581

JP - A Theart
(S vld MerHE)

OVERSTRAND MUNISIPALITEIT

REKORD 1671170

13 NOV 2024 (92)

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

Alida Conradie

From: Pauline Dolinschek
Sent: Tuesday, 12 November 2024 15:16
To: Alida Conradie
Subject: Application for restrictive title deed Pearly Beach.

Dear Alida,

As a resident who lives very close to Erf 639, 9 Law street Pearly Beach I would like to OPPOSE this application in the strongest terms.

A bottle store is definitely not needed or wanted here.

It's an absolute and definite NO from me.

Kind regards,
 Mrs P Dolinschek.
 9 Neetling Street.
 Pearly Beach.

FILE NO.	Erf 639-GPB
SCAN NO.	
COLLABORATOR NO.	2425773

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REKORDBEHOUER 68/170
13 NOV 2024 (93)
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OVERSTRAND MUNICIPALITY

Alida Conradie

From: St-John Salisbury
Sent: Tuesday, 12 November 2024 15:38
To: Alida Conradie
Subject: Opposition to the Application for Consent Use and Removal of Restrictive Conditions on Erf 639, Pearly Beach

To whom it may concern

I am writing as a resident of Pearly Beach to express my concerns regarding the recent application to establish a bottle store on Erf 639, Pearly Beach, which requires the removal of restrictive Title Deed conditions. I believe that approving this application may significantly and adversely impact our community.

I respectfully request that the following considerations be taken into account as part of the decision-making process.

Alternative Commercial Viability

The argument that a bottle store fills a gap in services does not necessitate a removal of Title Deed restrictions. Alternative business models, such as a general retail shop that adheres to "shop purposes" as specified in the Title Deed, could meet local needs without requiring legal modifications.

Speculative Economic Benefits

The projected economic benefits of a bottle store are speculative at best. There is no substantial evidence suggesting that a bottle store would positively impact local property values or community economic health. In fact, the long-term economic impact, particularly on residential property desirability, has not been adequately addressed.

Preservation of Community Character

The restrictive Title Deed conditions were initially put in place to maintain Pearly Beach's unique character and to limit business types within our community. The current proposal would disrupt the balance of business and residential zones in Pearly Beach, which has been fundamental to maintaining the peaceful and family-oriented nature of the area.

Potential for Increased Social Issues

Alcohol retail outlets are often associated with increased noise, littering, and potentially disorderly behaviour, especially in a small, quiet community like ours. Removing these restrictions may negatively impact community welfare and disturb the peace that Pearly Beach residents value.

Setting a Precedent for Future Applications

Granting this application could set a precedent for future consent uses and further relaxations of zoning or Title Deed modifications. This may lead to the gradual erosion of land-use restrictions, fundamentally altering Pearly Beach's community landscape.

Incompatibility with Zoning Intent

Although Business Zone 3 allows for certain consent uses, the existing Title Deed restrictions reflect a deliberate intent to limit the types of businesses in Pearly Beach. Removing these restrictions

FILE NO. Erf 639-GPB
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contradicts both the original intent of the zoning and the broader municipal planning goals designed to protect our community's character.

Need for Broader Public Consultation

The proposed bottle store has a significant potential impact on our community, and I believe broader public engagement should be considered. Residents need to fully understand and weigh in on the implications of this proposal, beyond the formal notification process. Many elderly members of the community may not even know about these plans until it is too late, a single email is insufficient.

Negative Impact on Property Values

A bottle store may negatively impact the value of nearby residential properties, as proximity to an alcohol retail outlet can be viewed as undesirable by potential buyers. This could reduce property investments for many residents.

Community Safety and Drunk Driving Concerns

Recent fatalities in the Pearly Beach area due to drunk driving underscore the serious concerns about alcohol accessibility and public safety. Increasing the availability of alcohol may further contribute to impaired driving incidents, which compromises community safety and well-being, particularly in areas already affected by alcohol-related accidents.

Traffic and Safety Concerns

While the current parking arrangements may meet the technical requirements, a bottle store would likely attract different customer behaviour patterns, potentially leading to parking shortages and congestion. Unlike a restaurant, where customers generally stay for longer, a bottle store could encourage shorter, more frequent visits that increase traffic flow and parking demand.

Environmental Protection and Conservation

Pearly Beach is designated as a natural conservancy, home to many species of wildlife not found anywhere else on Earth. A bottle store would likely increase foot traffic and vehicular presence, as well as numerous other unforeseen changes, which could disrupt local wildlife and lead to environmental degradation. Additionally, alcohol retail often correlates with increased litter, which poses further risks to this delicate ecosystem. This proposal could therefore be seen as inconsistent with the conservation goals and ecological sensitivity of Pearly Beach.

In light of these considerations, I respectfully urge the municipality to reject this application in the interest of preserving Pearly Beach's unique character, promoting public safety, and protecting the natural environment.

Thank you for your time and consideration.

St-John Salisbury

132 Broadway Pearly Beach

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(Suid Merne)

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12 NOV 2024

(94)

Alida Conradie

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

From: Mich Potgieter <
Sent: Tuesday, 12 November 2024 14:42
To: Alida Conradie
Subject: Fwd: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner
Attachments: Pearly Beach 639Notice.pdf

Dear Alida,

ERF 395, 23 RIDGE WAY PEARLY BEACH

I would like to go on record to VEMENTLY OPPOSE a Bottle Store at Erf 639, 9 Law Street. I do not feel it is in the best interest of the Pearly Beach Community to have a bottle store here. As it is with the restaurants / Bar there is already an abuse of alcohol.

It will also not be a very welcoming site as you enter Pearly Beach with the "riff raff" it will most likely attract. This is not the image we would like to present to people.

kind regards

Mrs Linda Potgieter

FILE NO. Erf 639 - GPB
SCAN NO.
COLLABORATOR NO.
2425832

----- Forwarded message -----

From: **Natasha** <natasha@planactive.co.za>
Date: Tue, Nov 12, 2024 at 8:50 AM
Subject: Erf 639, 9 Law Street, Pearly Beach - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner
To: Natasha <natasha@planactive.co.za>

To whom it may concern

You are regarded as a potentially affected property owner.

Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) requires that notice must be given, and Section 49 allows for a period of not less than 30 days from the date on which notice was given to affected persons to submit comments, objections, or representations in respect of a land use planning applications. Council, during a meeting held on 30 November 2023, resolved that such notice be given via e-mail in accordance with the provisions of the Electronic Communications and Transactions Act, 25 of 2002. Due to ongoing difficulties in service delivery experienced by the South African Post Office, and as per the aforesaid Council resolution, **NO** registered mail/letters will be forwarded in the interim period.

Kindly regard this email as your formal notification of such land use application. **Kindly provide your comment, objection or representations, if any, as per the instructions of the attached notice.**

TP

12 NOV 2024



TOWN & REGIONAL PLANNERS
STADS-EN STREEKSBEPLANNERS

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HERMANUS
7200
Tel: (028) 313 1673
Fax / Faks: (028) 312 1351
Email:
planactive@hermanus.co.za
Website:
www.planactive.co.za

Our reference: PA 24050
Your reference: 639GPB

13 February 2025

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

For Attention: Mr. Schalk van der Merwe

Sir

COMMENTS ON OBJECTIONS: ERF 639 PEARLY BEACH: PROPOSED CONSENT USE AND THE REMOVAL OF TITLE DEED RESTRICTIONS

We acknowledge receipt of your email dated 16 January 2025, which included one late objection, four letters of support, 94 objections, and our subsequent email correspondence requesting an additional 30 days to submit our comments.

Our request for an extension of the commenting period was granted, with the new deadline set for 17 March 2025. We appreciate the opportunity to provide our response to the comments and objections received. Our detailed comments are as follow:

1. GENERAL

A total of 570 notices were distributed via email regarding the proposed consent use for a bottle store to be situated on Erf 639 Pearly Beach. Of these, 95 individuals constituting 16% of the recipients submitted responses. A total of 95 objections were received, including one late submission.

In accordance with the Overstrand Municipality Bylaw on Land Use Planning (2020), a valid objection must include the following:

- The name of the individual or organization submitting the objection;

- The address or contact details where the individual or organization will accept notices or service of documents;
- The interest of the individual or organization in the application; and
- The reasons for the objection, comment, or representation.

Of the 95 objections received, 23 objectors failed to disclose their addresses, and two objectors did not provide any reasons for their objections.

Furthermore, the objections lacked the following essential elements:

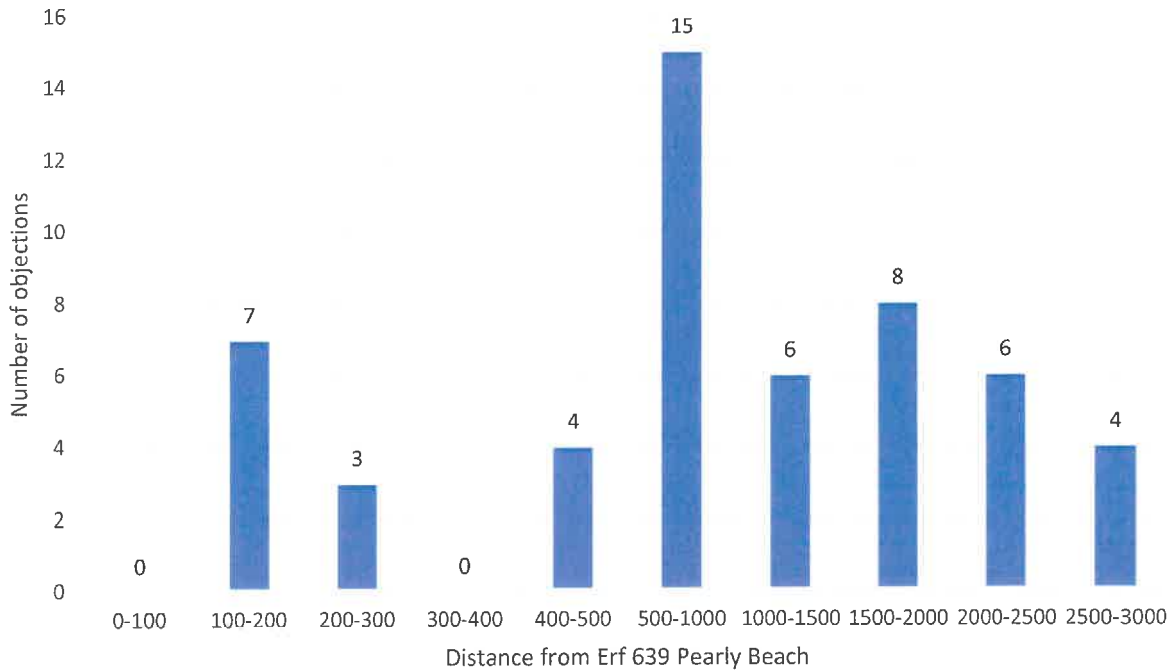
- A clear indication of the facts and circumstances supporting the objection, comment, or representation;
- A demonstration of the undesirable impact the proposed application would have on the area; and
- An explanation of how the application is inconsistent with relevant policies.

We have analysed the physical address information provided by individuals who objected to or commented on the application. Using this data, we mapped their locations on a base map of Pearly Beach to assess their proximity to the proposed bottle store. A copy of the map is enclosed for reference.

Based on this mapped information, we have drawn the following conclusions:

- No immediate adjoining landowners objected to the proposed bottle store.
- Within 100 meters of the proposed bottle store, no objections were received.
- Within 100–500 meters, 14 objections were received.
- Within a 3 km radius of Erf 639, Pearly Beach, 53 individuals who disclosed their addresses submitted comments or objections.
- The majority of objections (39) were received from individuals located 500 meters or more from the subject erf.

Please refer to the enclosed graph for a visual representation of the number of comments and objections received in relation to the distance from Erf 639, Pearly Beach.



It can be argued that approximately 84% of the property owners who received notices regarding the proposed bottle store either support the application or chose not to object. A total of 570 notices were distributed to property owners in Pearly Beach, and the application was also advertised in the local newspaper.

Pearly Beach comprises of approximately 3,038 erven. Considering this total, only 3% of the property owners formally objected to the application. This indicates that the majority of permanent residents support the proposed consent use and the removal of restrictive Title Deed conditions to establish a bottle store on Erf 639, Pearly Beach.

It is essential to recognize that Erf 639, Pearly Beach, is an established business site zoned Business Zone 3, with a total extent of 555m². Under its current zoning, the primary land use rights include shops, dwelling units above ground level, flats, offices, restaurants, caretaker's accommodation, and self-catering establishments. The development of any of these permitted land uses only requires the submission of a building plan, provided that the proposed development adheres to the applicable land use restrictions.

The definition of a shop, as per the zoning regulations, is as follows:

"Shop" means a property or part of a property used for the retail sale of goods, items, and services to the public, including a retail concern where goods sold are manufactured and repaired, provided that the floor space used for such manufacturing or repair does not exceed 50% of the total shop floor space. It excludes an industry, service trade, motor repair garage, service station, adult

entertainment business, or the sale of alcoholic beverages. If such excluded uses are introduced on the property, they are considered separate uses subject to distinct development parameters as determined by the Municipality.

While the primary function of a shop is the retail sale of goods, the definition specifically excludes the sale of alcoholic beverages. As a result, the establishment of a bottle store requires a consent use application, even though the core nature of the business remains retail.

It is important to emphasize that the underlying zoning remains unchanged, and the primary function of the property will still be retail. The bottle store will occupy only a small portion ($\pm 94\text{m}^2$) of the existing building for the retail sale of alcoholic beverages. The physical structure of the building will not be expanded, meaning there will be no additional demand for parking or other municipal infrastructure.

Concerns have been raised regarding the potential impact of a bottle store on the surrounding area. However, experience from similar establishments has shown that effective retail management can significantly mitigate potential negative effects.

To ensure a controlled and responsible retail environment, the proposed bottle store will not sell low budget wines or "quarts" (750ml beer bottles and crates of 750ml beer bottles). This policy has been successfully implemented at other bottle stores and has demonstrated a notable reduction in vagrancy and other undesirable activities in the vicinity. By limiting the type of alcohol sold, the establishment will attract a more responsible clientele and prevent the bottle store from becoming a gathering point for vagrants or disruptive individuals.

In summary, the establishment of a bottle store on Erf 639, Pearly Beach, is in line with the current zoning, subject to a consent use application. The proposal does not require any physical expansion of the property and will not result in additional parking or infrastructure burdens. Furthermore, measures will be implemented to maintain a controlled retail environment, ensuring that the store operates responsibly and does not negatively impact the surrounding community.

2. COMMENTS ON THE OBJECTIONS

- a The application was duly advertised, and notices were distributed to all affected parties in accordance with the Bylaw on Municipal Land Use Planning, 2020. Furthermore, the content of the notices complied with the requirements set out in Section 49 of the said bylaw.

- b Liquor licenses have been granted to property owners or third parties based on zoning certificates issued by the Overstrand Municipality. If a zoning certificate confirms that a property is zoned for business purposes and permits the operation of a restaurant, a liquor license would typically be approved. However, zoning certificates do not reference any restrictive Title Deed conditions that may exist. Historically, the Overstrand Municipality and the Liquor Board have operated independently, leading to instances where liquor licenses were issued in contradiction to applicable Title Deed restrictions.

With regard to our application, we are seeking the removal of restrictive Title Deed conditions from Erf 639 Pearly Beach, to allow for the operation of a bottle store. Under the former Section 8 Land Use Scheme Regulations, the definition of a 'shop' included restaurants, making the establishment of a restaurant on Erf 639 a primary right. As such, the use of the property as a restaurant did not contradict the Title Deed restrictions, which only permitted shop related activities. However, a bottle store is classified as a consent use and is not included within the definition of a 'shop.' Furthermore, the sale of alcoholic beverages is explicitly prohibited under the current Title Deed conditions. Therefore, we are applying for the removal of these restrictions to facilitate the lawful operation of a bottle store on the premises.

- c The objections received do not specify which businesses currently sell liquor for offsite consumption. However, it is assumed that the businesses in question are the shop at the Pearly Beach Resort and the local brewery. The resort shop is limited to selling only wine, while the brewery offers both wine and its own craft beer. In contrast, the proposed bottle store will provide a significantly broader selection of alcoholic beverages, including whisky, brandy, rum, vodka, gin, and various liqueurs, catering to a wider range of consumer preferences.

The introduction of a bottle store will not negatively impact these existing businesses, as their offerings are specialized and serve a different market segment. The resort shop primarily caters to holidaymakers staying within the resort, providing convenience for guests who prefer not to leave the premises for their purchases. Similarly, the brewery focuses on its own craft beer production, attracting customers interested in locally brewed beverages rather than the diverse selection available at a dedicated liquor store.

Additionally, the bottle store will help retain consumer spending within Pearly Beach, reducing the need for residents and visitors to travel to neighbouring towns to purchase a wider variety of liquor. By offering an expanded range of products, the store will

complement rather than compete with existing businesses, enhancing the overall retail diversity in Pearly Beach while ensuring that different consumer needs are met.

- d Some residents have the means to purchase groceries and liquor elsewhere, either on their way to and from work or by commuting to Gansbaai or Hermanus for shopping. Financially stable individuals may not be directly affected by the availability of a local bottle store. However, it is important to note that only 16% of the notified residents responded to the notices, despite the fact that the application was also advertised in the local newspaper.

The majority of Pearly Beach residents did not submit objections, which could reasonably be interpreted as tacit consent to the establishment of a bottle store on Erf 639 Pearly Beach. Additionally, not all residents have the financial means to travel to neighbouring towns for liquor purchases, especially given the high cost of fuel.

Pearly Beach has experienced significant growth in recent years, evolving beyond a small holiday village into a town that now justifies a broader range of retail offerings. The establishment of a bottle store would contribute to this diversification, catering to the needs of a growing and more permanent local population.

- e The application proposes the establishment of a bottle store within an existing building that currently houses a restaurant, with the bottle store occupying approximately 94m². Introducing a bottle store in Pearly Beach diversifies the local retail sector, ensuring that money is spent within the community rather than in neighbouring towns. This benefits the general population by keeping business local and reducing the financial burden of travel, allowing residents to save on transportation costs. Additionally, since liquor would be available in town, there would be less need for residents to commute elsewhere, thereby also increasing support for other local businesses.

When evaluating any land use application, consideration must be given to the desirability of the proposed development in relation to the principles outlined in integrated development frameworks, sectoral plans, structure plans, zoning scheme regulations, and municipal bylaws. These considerations assess the impact on existing rights but do not include any alleged right to protection from business competition.

While several restaurants in Pearly Beach hold liquor licenses, these licenses only allow for the onsite consumption of alcohol. As a result, patrons are not permitted to take liquor home. Objectors who oppose the establishment of a bottle store are, in effect,

encouraging alcohol consumption at restaurants and bars, which could present a greater risk to road safety, as patrons would be required to drive or walk home after consuming alcohol. In contrast, a bottle store would provide residents with the option to purchase alcohol for responsible consumption at home, thereby potentially reducing the risks associated with drinking and driving.

- f While Pearly Beach is undeniably located in an area of natural beauty, it is important to recognize that it is also an established and developed township, comprising residential erven, public roads, public open spaces, and existing business erven. Erf 639 Pearly Beach, is an established business erf, which has been utilized for commercial purposes.

Our application does not propose the expansion of urban development into a natural area. Rather, it seeks to repurpose a portion of an existing building located on Erf 639 for the establishment of a liquor store. In essence, this is a change of use of approximately 94m² of an existing business building, converting it from a restaurant to a bottle store.

Therefore, this application will not negatively affect the character of Pearly Beach, as suggested. The primary land use of the site will remain as a commercial business, with the only change being the specific type of retail offering. The surrounding community and environment will not be significantly impacted, and the established character of Pearly Beach will be preserved.

- g As mentioned previously, the application involves the change of use of a portion of an existing building to establish a bottle store. The building, currently utilized as a restaurant, is situated on a 555m² business site within an established commercial area. As such, the property owner has the right to utilize the land in accordance with the current primary land use rights within the existing land use restrictions.

Therefore, the proposed bottle store will not have any adverse impact in terms of business operations or the atmosphere of Pearly Beach. Pearly Beach is an expanding coastal town, and as it grows, vacant business erven will inevitably be developed to meet the needs of the local population. Similarly, existing businesses may expand and diversify to accommodate the evolving demands of residents and visitors. This development is consistent with the natural progression of a growing town and will contribute to the town's overall vibrancy without disrupting its character.

- h As stated previously, the proposed liquor shop will not adversely affect the atmosphere of Pearly Beach. A relevant example is the bottle store established in Pringle Bay, where

the character of the village remained intact after the store was integrated into the local business centre. While it is impossible to completely eliminate social issues such as substance abuse, these problems affect only a small minority of the population. It is essential to prioritize the majority of residents and cater to their needs, ensuring that their interests are met.

As highlighted earlier, the proposed bottle store will not sell low budget wines or “quarts” (750ml beer bottles and crates of 750ml beer bottles). This policy is intended to ensure that the store remains responsible and serves the broader community’s needs without attracting undesirable elements.

The advantages that this development will bring to Pearly Beach are clear and can be summarized as follows:

- Business will remain in Pearly Beach, preventing residents from needing to commute to neighbouring towns to support businesses there.
- By reducing the need for travel, residents will likely also choose to support local shops and delis, fostering a more robust local economy.
- Residents will save money on travel costs, as they will be able to purchase their liquor locally.
- The increased spending within Pearly Beach will create more job opportunities, contributing to the economic vitality of the town.

In summary, the establishment of the bottle store will support the broader community's interests, enhancing local commerce and providing economic benefits for Pearly Beach residents.

- i Many of the objections received advocate for the consumption of alcohol at local restaurants and pubs, which, while legal, could present a greater safety risk than the proposed bottle store. As previously mentioned, patrons at these establishments are often required to drive or walk home, which increases the likelihood of intoxicated road users a significant concern for both the individuals involved and other road users. In contrast, the establishment of a bottle store would offer residents the option to purchase alcohol and consume it responsibly at home, reducing the need for traveling while intoxicated and therefore lowering the risk of road accidents and fatalities. This model has been proven to reduce incidents of drinking and driving, as individuals can make more responsible choices in the comfort of their homes, without needing to navigate public roads after consuming alcohol.

Furthermore, the proximity of the police station in Gansbaai (on Main Road, an extension of the R43), which is the nearest law enforcement station to Pearly Beach, further supports the viability of the proposed bottle store. The police station's location makes it easily accessible for local law enforcement officers, who frequently patrol Pearly Beach and the surrounding areas. With the R43 being the main route connecting the two areas, law enforcement can easily monitor traffic and enforce safety regulations, including those relevant to alcohol related incidents. The fact that Gansbaai police regularly patrol Pearly Beach ensures that any potential issues related to the liquor store, should they arise, can be addressed promptly and effectively.

Additionally, aside from a few stop signs in Gansbaai, the remainder of the R43 lacks significant traffic control measures, which means that the road is relatively free flowing but also potentially hazardous for residents and travellers alike. Despite this, the proximity of law enforcement to the site of the proposed bottle store means that local authorities are well positioned to monitor and respond to any safety concerns. In essence, the proposed bottle store would not only benefit the local economy by providing a convenient option for residents to purchase alcohol but also align with public safety priorities by reducing the risk of intoxicated driving and ensuring that the area remains well patrolled and safeguarded by local law enforcement.

In conclusion, the introduction of the bottle store would not just be a convenience for the residents of Pearly Beach, but it could also have a positive impact on public safety, allowing for more responsible alcohol consumption and reducing the risks associated with driving while under the influence.

- j The proposal to change the land use of a portion of an existing business premises to accommodate a liquor shop will not alter the “village feel” of Pearly Beach. As previously mentioned, Pearly Beach is an evolving town with a growing population. As the town expands, it is natural that businesses will expand and diversify in order to meet the changing needs of the community. The introduction of a liquor store will be a part of this organic development, offering a new service that aligns with the town's growth while maintaining its local character.

The village atmosphere is shaped by a combination of community spirit, landscape, and local businesses. Introducing a liquor store within an existing business area, rather than creating a new, separate establishment, ensures that the development is integrated into the existing fabric of the town, without significantly altering its charm or appeal. In fact,

providing local access to a range of services, including the sale of liquor, supports the town's development while ensuring that residents do not have to leave Pearly Beach to meet their needs. This approach enhances the local economy and contributes to the sustainability of the community without disrupting the smalltown atmosphere that is integral to Pearly Beach's identity.

As the town grows and changes, maintaining a balance between development and preserving local character will allow Pearly Beach to thrive as a vibrant, welcoming place for both residents and visitors. The proposed liquor shop represents a small but important part of this ongoing evolution.

- h. Pearly Beach, being a popular holiday destination, experiences a significant influx of visitors during school holidays and long weekends. While these visitors enjoy the town's natural beauty, it is important to note that not all of them share the same level of commitment to preserving the environment. As a result, incidents of littering and noise pollution do occur during these peak times. However, it is crucial to recognize that these issues cannot be directly attributed to the proposed bottle store, nor can they be blamed on bottle stores in neighbouring towns. The causes of these disturbances are much more complex and can be attributed to various factors, including the behaviour of certain visitors, rather than the mere existence of a liquor store.

It is our opinion that the primary sources of litter in Pearly Beach are likely from general dealers and cafés, where items like cold drink cans, bottles, food wrappers, takeaway boxes, and other food packaging are common. Unlike alcohol, these products are often consumed in large quantities and are more likely to contribute to littering in public spaces. In contrast, law-abiding citizens generally do not consume alcoholic beverages in public areas such as beaches, as this is prohibited by law. Therefore, the presence of a liquor store will not contribute significantly to littering in comparison to other types of retail outlets.

Furthermore, when comparing the waste output of a liquor store to that of a general dealer or shop, it becomes clear that liquor stores tend to produce far less waste. This is because liquor stores do not prepare food onsite, nor do they sell perishable items that would require significant packaging. In fact, many liquor stores encourage environmentally friendly practices by reusing the boxes in which liquor is delivered, instead of relying on plastic bags for packaging. This not only helps reduce plastic waste but also emphasizes the store's commitment to sustainability and minimizing its environmental impact.

In conclusion, while littering and noise pollution are legitimate concerns in Pearly Beach, it is essential to recognize that these issues stem from various sources, and the proposed bottle store is unlikely to be a significant contributor to the problem. In fact, the operational practices of liquor stores are generally less wasteful than those of other retail establishments, further mitigating concerns about environmental impact.

- i. Not everyone has the financial means to enjoy drinks at a restaurant, where alcoholic beverages are often sold at higher prices. Additionally, with current traffic laws in place, it is increasingly difficult to have even a single drink and remain under the legal alcohol limit. This has led many people to prefer purchasing alcoholic beverages from retail outlets, such as a bottle store, and consuming them in the comfort of their own home.

Encouraging individuals to consume alcohol in restaurants, where the consumption of alcohol onsite is typically the norm, could inadvertently promote greater risks. If people drink at restaurants, they are more likely to drive under the influence, which puts not only themselves but also other road users in danger. On the other hand, by offering a convenient option for purchasing alcohol to be enjoyed at home, we can reduce the likelihood of drunk driving. This option supports the idea that people can still enjoy alcohol responsibly in a private and controlled environment, without the added risk of impaired driving.

Therefore, it is essential to consider the safety and wellbeing of the community when discussing where and how alcohol is consumed. The option of a local bottle store provides an opportunity for residents to make responsible choices about their alcohol consumption, while also minimizing the dangers associated with drinking at public establishments and potentially driving afterwards.

- j. We believe that the primary reasons people visit Pearly Beach are its natural beauty, beaches, and fishing opportunities, not to consume large quantities of alcohol. The proposed bottle store will not be a driving factor for increased tourism or a sudden influx of people seeking to consume alcohol. Visitors to the area typically come for the tranquillity and outdoor activities, with alcohol consumption not being a central focus of their stay.

Should any person engage in loitering, act under the influence of alcohol, or engage in any illegal activity, such matters should be reported to the Police, who are responsible for investigating and addressing such incidents. It is important to understand that the proposed liquor store cannot be held solely accountable for the misuse of alcohol. There

are numerous other factors contributing to alcohol consumption, such as the sale of alcohol at restaurants, pubs, and even in nearby towns. The presence of a bottle store in Pearly Beach will not singularly contribute to any potential misuse of alcohol, as the issue is far more complex and influenced by multiple sources.

- k. In our view, each liquor store application should be assessed on its own merits. The surrounding social environment plays a significant role in determining the suitability of a bottle store, as does the manner in which it is managed and stocked. It is widely recognized that the uncontrolled sale of liquor within low-cost housing developments can pose a threat to social wellbeing and negatively impact the broader community.

In this case, we are proposing a reputable, well managed liquor store that will not sell low budget wines or similar products, as previously stated. The store will be located within an existing business building on an established business property, situated within a designated business node of Pearly Beach, ensuring that it aligns with the area's commercial framework.

The successful operation of the Pearly Beach Resort Shop, which also sells wine, serves as a strong example that the sale of liquor, when properly managed, does not attract vagrants or create any social issues. This demonstrates that responsible liquor retailing can be conducted without negatively impacting the surrounding community.

Furthermore, the proposed bottle store will be operated by the same owner as the Pearly Beach Resort Shop, ensuring that the same high standards of management and control will be applied. Given the owner's proven track record of running a well-regulated business, there is no reason to believe that the bottle store will lead to any undesirable consequences. Instead, it will provide a broader selection of liquor in a controlled and professional environment, further supporting the needs of the local community while maintaining order and compliance with all applicable regulations.

- i. As previously mentioned, the continued growth of Pearly Beach necessitates business diversification to meet the evolving needs of its residents. Historically, restrictive Title Deed conditions played a crucial role in governing land use. However, with the implementation of modern Municipal Zoning Schemes, these restrictions have become outdated.

During the public participation process, a relevant written submission highlighted that Pearly Beach has expanded to a point where proposed land uses, such as a bottle store, have become viable. The current Zoning Scheme Regulations are well equipped to

regulate land use in a contemporary context. As stated, the proposed bottle store will be professionally managed and will align with the character of the established Pearly Beach business node.

- m. Regarding our application, the portion of the building not designated for the bottle store will continue to operate as a bona fide restaurant, fully compliant with the Overstrand Municipality Land Use Scheme Regulations, 2020, and the conditions of the associated liquor license.

Additionally, any previous use of the premises for entertainment purposes has ceased following notification from the Overstrand Municipality regarding noncompliance. The restaurant owner has since taken the necessary steps to ensure adherence to all applicable regulations, reinforcing the commitment to lawful and responsible business operations.

The restaurant has been managed in strict accordance with the liquor license issued and does not sell liquor to intoxicated persons. Any intoxicated individuals are escorted off the premises to maintain a safe and controlled environment. Video footage of such occurrences is available for review onsite as evidence of responsible management practices.

Furthermore, the restaurant cannot be held responsible for any issues occurring off the premises. The establishment is well managed, and once patrons leave, their actions fall outside the control and responsibility of the business. The onus is on individuals to act responsibly, and law enforcement authorities remain responsible for addressing any public disturbances or misconduct that may occur beyond the premises.

- n. The location of one's residence significantly influences the distance required to travel to existing bottle stores in Gansbaai, Stanford, and Hermanus. By establishing a bottle store in Pearly Beach, business will remain within the town rather than residents commuting to neighbouring towns to make purchases. This not only supports the local economy but also increases the likelihood of residents frequenting existing and potential future businesses in Pearly Beach, fostering economic growth and sustainability.

The following points outline the justification for supporting the proposed bottle store:

- The establishment of a bottle store will keep business within Pearly Beach instead of residents commuting to neighbouring towns (Gansbaai, Stanford, and Hermanus) to purchase liquor.
- Increased local spending will support existing businesses and encourage future commercial development.
- Job opportunities will be created, benefiting the local community.
- Many residents cannot afford to travel long distances to purchase liquor due to high fuel costs.
- The bottle store will provide a local and convenient option, reducing unnecessary travel and vehicle congestion on regional roads.
- The proposed liquor store will be housed within an existing business building in an established commercial area, maximizing the use of current infrastructure.
- The development aligns with the natural commercial growth of Pearly Beach, which has evolved beyond a small holiday village, and will complement other businesses in the area, enhancing the diversity of retail offerings.
- The proposed change of land use will not alter the “village feel” of Pearly Beach. A comparable example in Pringle Bay demonstrates that a bottle store does not negatively impact the character of a town.
- The application was properly advertised, and notices were sent to all affected parties in compliance with the Bylaw on Municipal Land Use Planning, 2020. Only 16% of the residents responded, indicating that the majority either consent to or have no objection to the establishment of the bottle store.
- The store will not sell low budget wines or bulk beer products (e.g., “quarts” and crates of 750ml beer bottles), reducing the potential for alcohol related social issues.
- The presence of a bottle store will discourage residents from driving under the influence by allowing them to purchase liquor locally rather than consuming alcohol at restaurants and pubs before traveling home.

- Any concerns regarding public intoxication or loitering should be addressed by law enforcement, rather than restricting legal business operations.
- Liquor stores generate less waste compared to general dealers and cafes, as they do not produce food waste. Liquor store packaging primarily consists of reusable cardboard boxes rather than plastic bags.
- Littering concerns are not directly linked to liquor stores, as most public litter consists of food wrappers, beverage cans, and fast-food packaging.
- The property is already zoned for business purposes, and the proposed use is compatible with the zoning.
- Title Deed restrictions were initially relevant under outdated regulations and should be removed to align with modern zoning frameworks.
- The liquor store will be well managed within the designated business node, maintaining compliance with relevant planning and land use policies.
- The proposed bottle store will offer a wider range of alcoholic beverages, including whisky, brandy, rum, and liqueurs, which are not available at the Pearly Beach Resort Shop or the local brewery. This diversification will meet the demand for a broader selection of liquor.
- The Pearly Beach Resort Shop and the local brewery offer limited options (wine and beer), while the bottle store will provide a different market segment with more choices, benefiting both residents and visitors. The bottle store will be managed by the same owner as the resort shop, ensuring responsible management practices.
- Keeping business within Pearly Beach helps retain revenue in the town, preventing residents from needing to travel to nearby towns. This will encourage local spending, economic growth, and job creation.
- A local bottle store will reduce unnecessary travel for residents who currently go to other towns to purchase liquor, minimizing the risk of road accidents and allowing people to consume alcohol responsibly at home.

- The restaurant operating alongside the bottle store is compliant with liquor licensing regulations and does not sell alcohol to intoxicated individuals. Those individuals are escorted off the premises, and video footage can confirm this. The same responsible management practices will apply to the proposed bottle store.
- The restaurant and bottle store cannot be held responsible for incidents occurring outside their premises, such as loitering or public intoxication. These issues fall under law enforcement jurisdiction.
- Outdated Title Deed restrictions should be reconsidered, as the Overstrand Municipality's current Land Use Scheme Regulations provide a more effective framework for managing land uses. This ensures the bottle store will fit into the business node without disrupting the community.

These factors collectively demonstrate that the proposed bottle store will enhance the local business environment, support economic growth, and contribute to the wellbeing of the Pearly Beach community.

Yours faithfully



John Mc Lachlan



Scale: NTS
Drawing Nr: 639 PearlyBeachObjections.dwg
Date: 13 Feb 2025

Plan Description:
**DISTANCE
MAP**

Property Description:
**ERF 639
PEARLY BEACH**

All distances approximate
and subject to survey.
COPY RIGHT RESERVED

PLAn Stads- en Streeksbeplanners
Town & Regional Planners

NOTES:

-  The Site
-  Letters of Support
-  Objections



**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS &
CONSENT USE: ERF 639, PEARLY BEACH (4849/2024)**

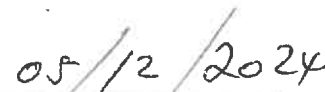
Stormwater (SW)	:	Refer to conditions
Electricity	:	Refer to conditions
Water	:	Refer to conditions
Sewer	:	Refer to conditions
Roads and traffic	:	Refer to conditions

Conditions:

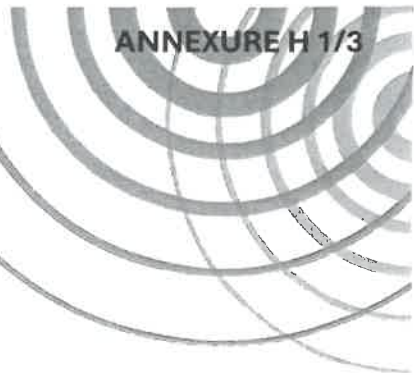
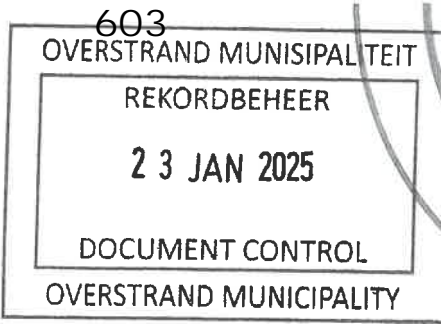
1. that only the existing water connection will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing sewerage tank will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
3. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
4. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
5. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Principal Technologist: Gansbaai for written approval;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
7. that no reservation of on-street parking be allowed;
8. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
9. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**



DATE



TP - A Theart (S vld merke)

61 Oak Avenue, Highveld, Port Elizabeth Private Bag X881, Pretoria, Gauteng, 0001 Techno Park, Centurion 0157,

Our reference: WWIP_WPB+0129_25 Your reference: 639 GPB Enquiries: P. Ngqakayi TEL: 0437056236/0813922403 EMAIL: Portian@openserve.co.za

21 January 2025

Attention: Marlize Miller

Overstrand Municipality 16 Paterson Street Hermanus, 7200

FILE NO. Erf 639 - GPB SCAN NO. COLLABORATOR NO. 2592738

OPTIC FIBRE & COPPER PLANT AFFECTED

Re: RF 639, 9 LAW STREET, PEARLY BEACH, OVERSTRAND MUNICIPALITY AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF JC KOEKOEMOER

With reference to your application received 15 November 2024.

As important cables are affected, please contact our representative Marius Makier telephone number 081 348 2317, I hereby inform you that Open Serve approves the proposed work indicated on your drawing in principle. This approval is valid for 6 months only, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

As per sketch attached, Open Serve infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

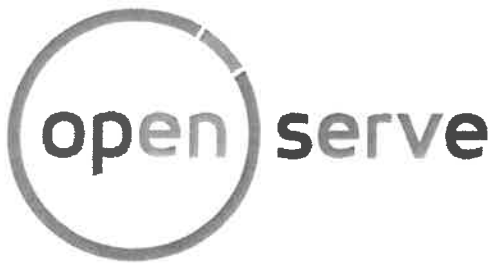
Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

Telkom SA SOC Limited: Reg no 1991/005476/30. Directors: MS Moloko (Chairperson), SN Maseko (Group Chief Executive Officer), D Reyneke (Acting Group Chief Financial Officer), N Kapila*, PCS Luthuli, DD Mokgatle, KW Mzondeki, F Petersen-Cook, KA Rayner, A Samuels, SP Sibisi, H Singh, RG Tomlinson, LL Von Zeuner. Company Secretary: AC Ceba *India

TP 23 JAN 2025



It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

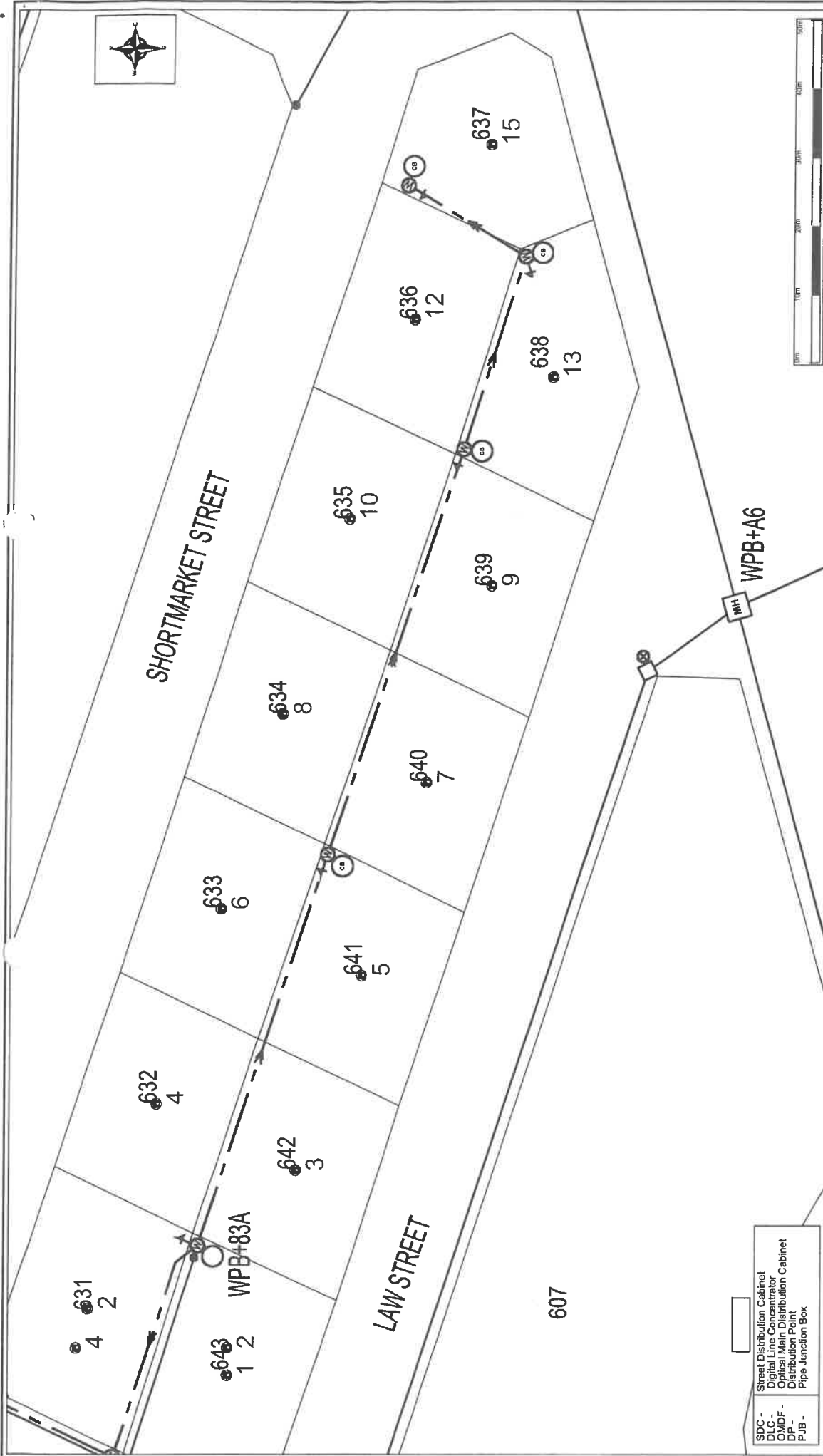
Should Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Open Serve rights remain reserved.

Yours faithfully

P Ngqakayi

For Selwyn Bowers
Operations Manager
Wayleave Management: Southern and Western Region



SDC - Street Distribution Cabinet
 DLC - Digital Line Concentrator
 OMDF - Optical Main Distribution Cabinet
 DP - Distribution Point
 PJB - Pipe Junction Box

Legend

<input checked="" type="checkbox"/>	Existing Manhole	<input checked="" type="checkbox"/>	Existing SDC	<input checked="" type="checkbox"/>	Existing Indoor DP	<input checked="" type="checkbox"/>	Existing Underground Route
<input checked="" type="checkbox"/>	Planned Manhole	<input checked="" type="checkbox"/>	Planned SDC	<input checked="" type="checkbox"/>	Planned Indoor DP	<input checked="" type="checkbox"/>	Planned Underground Route
<input checked="" type="checkbox"/>	To Be Abandoned Manhole	<input checked="" type="checkbox"/>	To Be Recovered SDC	<input checked="" type="checkbox"/>	To Be Recovered DP	<input checked="" type="checkbox"/>	To Be Abandoned Underground Route
<input checked="" type="checkbox"/>	Existing Jointing Pit	<input checked="" type="checkbox"/>	Existing DLC	<input checked="" type="checkbox"/>	Existing DP	<input checked="" type="checkbox"/>	Existing Overhead Route
<input checked="" type="checkbox"/>	Planned Jointing Pit	<input checked="" type="checkbox"/>	Planned DLC	<input checked="" type="checkbox"/>	Planned DP	<input checked="" type="checkbox"/>	Planned Overhead Route
<input checked="" type="checkbox"/>	To Be Abandoned Jointing Pit	<input checked="" type="checkbox"/>	To Be Recovered DLC	<input checked="" type="checkbox"/>	To Be Recovered DP	<input checked="" type="checkbox"/>	To Be Recovered Overhead Route
<input checked="" type="checkbox"/>	Existing PJB	<input checked="" type="checkbox"/>	Existing Pillar Joint	<input checked="" type="checkbox"/>	Existing Pole	<input checked="" type="checkbox"/>	Existing Mini OMDF
<input checked="" type="checkbox"/>	Planned PJB	<input checked="" type="checkbox"/>	Planned Pillar Joint	<input checked="" type="checkbox"/>	Planned Pole	<input checked="" type="checkbox"/>	Planned Mini OMDF
<input checked="" type="checkbox"/>	To Be Abandoned PJB	<input checked="" type="checkbox"/>	To Be Recovered Pillar Joint	<input checked="" type="checkbox"/>	To Be Recovered Pole	<input checked="" type="checkbox"/>	Existing Strut and Stay

Region	TELKOM		
Exchange area	REGIONAL EXECUTIVE		
Drawn By	S.M.H.A.T.P.P.		
Checked By	Date	21/01/2025	
Approved	Project No.		
Details			
Drawing No.			
Scale	1:752	Page Size	A4
	1	of	1