

OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
<p><b>ERF 333, 9 ARCADIA STREET, PEARLY BEACH: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND REZONING: MESSRS WRAP PROJECT OFFICE ON BEHALF OF AR WHITE</b></p> <p>Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following applications:</p> <p><b>Removal of restrictive title deed conditions</b> Application for removal of restrictive title deed conditions in terms of Section 16(2)(f) of the By-Law, to remove conditions C.4.(b), C.4.(c) and C.4.(d) as contained in title deed T55455/2024 in order to accommodate retail shops on the property.</p> <p><b>Rezoning</b> Application in terms of Section 16(2)(a) of the By-Law for rezoning of Erf 333, Pearly Beach from Business Zone 4: Service Station (B4), to Business Zone 3: Local Business (B3), in order to accommodate retail shops on the property.</p> <p>Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, 16 Paterson Street, Hermanus and Gansbaai Library, Main Road, Gansbaai. Any comment must be in writing, quoting your name, address and contact details, as well as your interest in the application and the reasons for comment, which comment must reach the Municipality (16 Paterson Street, Hermanus / (e) <a href="mailto:alida@overstrand.gov.za">alida@overstrand.gov.za</a>) on or before <b>Thursday, 17 April 2025</b>. Telephonic enquiries can be made to the <b>Senior Town Planner, Mr. SW van der Merwe</b> at 0283138900. The Municipality may refuse to accept comments received after the closing date. Any persons who cannot read or write may visit the above appropriate Municipal Department where a Municipal official will assist them in formulating their comment.</p>	<p><b>ERF 333, ARCADIASTRAAT 9, PEARLY BEACH: AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTE VOORWAARDES EN HERSONERING: MNRE WRAP PROJECT OFFICE NAMENS AR WHITE</b></p> <p>Kennis word hiermee gee ingevolge Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), van die volgende aansoeke:</p> <p><b>Opheffing van beperkende titelaktvoorwaardes</b> Aansoek om opheffing van beperkende titelakte voorwaardes ingevolge Artikel 16(2)(f) van die Verordening, om voorwaardes C.4.(b), C.4.(c) en C.4.(d) soos vervat in titelakte T55455/2024 op te hef ten einde kleinhandelwinkels op die eiendom te akkommodeer.</p> <p><b>Hersonering</b> Aansoek ingevolge Artikel 16(2)(a) van die Verordening, vir hersonering van Erf 333, Pearly Beach vanaf Besigheidsone 4: Dienststasie (B4) na Besigheidsone 3: Algemene Besigheid (B3), ten einde kleinhandelwinkels op die eiendom te akkommodeer.</p> <p>Volle besonderhede rakende die voorstel hierbo is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus en Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige kommentare moet skriftelik wees, u naam, adres, en kontakbesonderhede bevat, sowel as u belang in die aansoek en die redes vir kommentaar, welke kommentaar die Munisipaliteit (Patersonstraat 16, Hermanus / (e) <a href="mailto:alida@overstrand.gov.za">alida@overstrand.gov.za</a>) moet bereik voor of op <b>Donderdag, 17 April 2025</b>. Telefoniese navrae kan gerig word aan die <b>Senior Stadsbeplanner, Mnr. SW van der Merwe</b> by 028 313 8900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persone wat nie kan lees of skryf nie kan bogenoemde toepaslike Munisipale Departement besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.</p>	<p><b>ISIZA 333, 9 ARCADIA STREET, PEARLY BEACH: ISICELO SOKUSUSWA KWEMIQATHANGO YEDEED YESIHLOKO ESITHINTELAYO KUNYE NOKUTSHINTSHWA KOCANDO: MESSRS WRAP PROJECT OFFICE EGAMENI LIKA AR WHITE</b></p> <p>Isaziso sinikwe apha ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala oLungisiweyo waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, wowama-2020 (uMthetho kaMasipala), kwezi zicelo zilandelayo:</p> <p><b>Ukususwa kweemeko ezithintelweyo zetayitile</b> Isicelo sokususwa kwemiqathango yetayitile ethintelayo ngokweCandelo 16(2)(f) loMthetho kaMasipala ukuze kususwe imiqathango C.4.(b), C.4.(c) kunye ne-C.4.(d) njengoko kuqulethwe kwisivumelwano setayitile T55455/2024 ukuze kuhlaliswe iivenkile ezithengisayo kwipropati.</p> <p><b>Ukutshintsha kocando</b> Isicelo ngokweCandelo le-16 (2) (a) loMthetho kaMasipala wokucandwa ngokutsha kwe-Erf 333, iPearly Beach ukusuka kuMmandla woShishino 4: iSikhululo seNkonzo (B4), ukuya kuMmandla woShishino 3: uShishino lweNdawo (B3), ukuze kuhlaliswe iivenkile ezithengisayo kwipropati.</p> <p>Linkcukacha eziphelileyo malunga nesindululo ziyafumaneka ukuze zihlotwe phakathi evekini phakathi kwentsimbi ye-08:00 kunye ne-16:30 kwiSebe: UCwangciso lweDolophu, i-16 Paterson Street, iHermanus neGansbaai Library, iMain Road, eGansbaai. Nawaphi na amagqabantshintshi kufuneka abhalwe phantsi, acaphule igama lakho, idilesi kunye neenkukacha zohagamshelwano, kunye nomdla wakho kwisicelo kunye nezizathu zokuphawula, izimvo ekufuneka zifike kuMasipala (16 Paterson Street, Hermanus / (e) <a href="mailto:alida@overstrand.gov.za">alida@overstrand.gov.za</a>) ngaphambili okanye ngaphambili <b>uLwesine, 17 UTshazimpunzi 2025</b>. Imibuzo yomnxeba inokwenziwa <b>kuMchwangcisi weDolophu oMkhulu, uMnu. SW van der Merwe</b> ngo-0283138900. UMasipala usenokwala ukwamkela izimvo azifumeneyo emva komhla wokuvala. Nabaphi na abantu abangakwaziyo ukufunda nokubhala banokundwendwela iSebe likaMasipala elingentla lifanelekileyo apho igosa likaMasipala liya kubancedisa ekuqulunqeni izimvo zabo.</p>
<p>Dr DGI O'Neill  <b>Municipal Manager / Munisipale Bestuurder / Umphathi Kamasipala</b>          PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200</p> <p style="text-align: right;"><i>Notice No / Kennisgewing nr / Inombolo yesaziso: 46/2025</i></p>		

# 1. Locality Plan Erf 333 Pearly Beach

Plan prepared by: Veronica Jansen

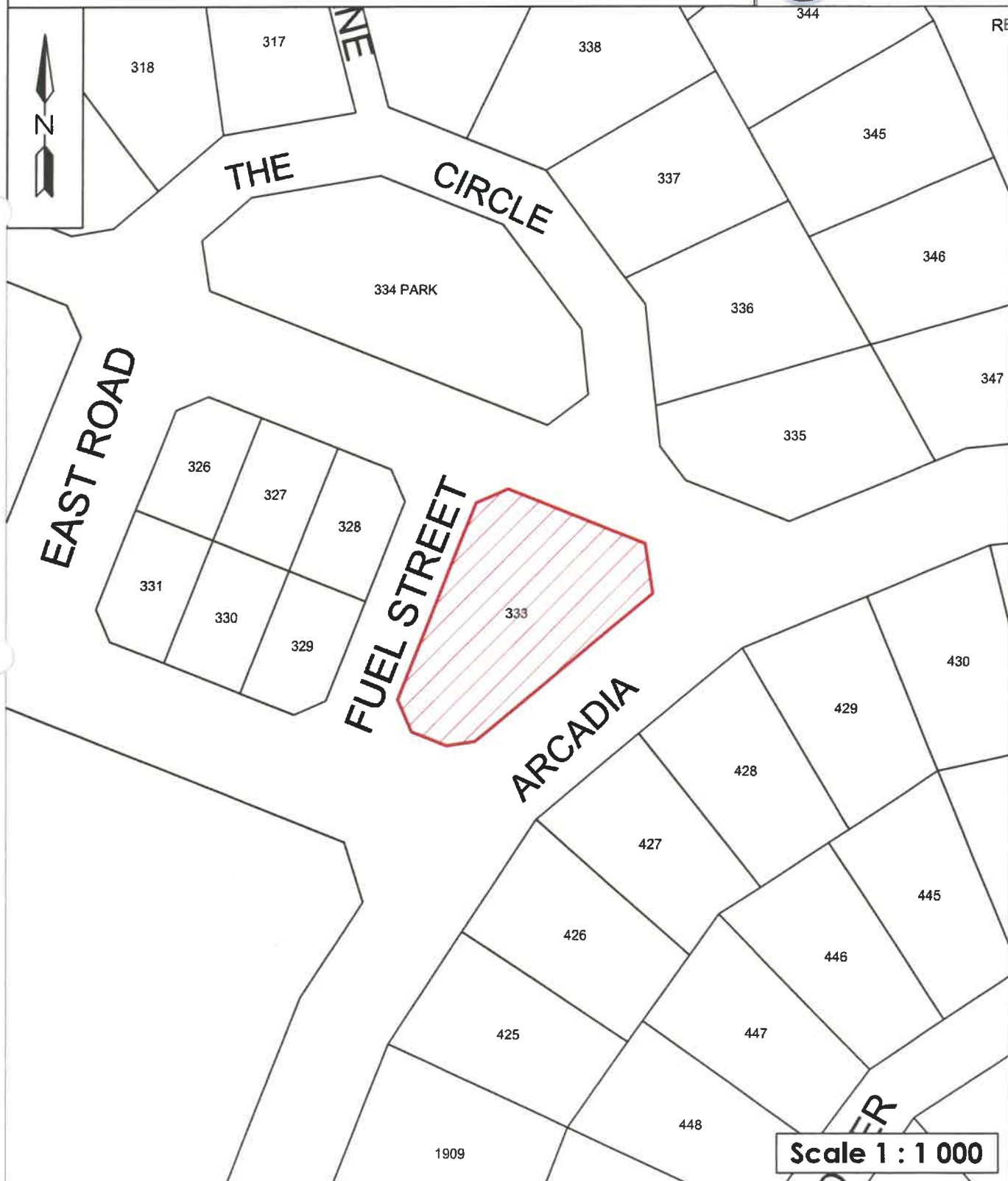
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**Project Office**  
Town Planning & Project Management





**1. ABBREVIATIONS**

<b>OM</b>	Overstrand Municipality
<b>OMLUS</b>	Overstrand Municipality Land Use Scheme, 2020
<b>BY-LAW</b>	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
<b>PSDF</b>	Western Cape Provincial Spatial Development Framework, 2014
<b>LUPA</b>	Western Cape Land Use Planning Act, 2014.
<b>OMSDF</b>	Overstrand Municipality Spatial Development Framework, 2020
<b>B3</b>	Business Zone 3: Local Business
<b>B4</b>	Business Zone 4: Service Station
<b>GLA</b>	Gross Leasable Area

**2. PROPERTY DETAILS**

<b>Erf Number</b>	Erf 333 Pearly Beach
<b>Extent</b>	1 368m <sup>2</sup>
<b>Zoning</b>	Business Zone 4: Service Station

**3. BACKGROUND AND INTENT**

The subject property, Erf 333 Pearly Beach, occupies a distinctive location, surrounded by streets in Pearly Beach with a mix of business- and residential properties. (refer to **Plan 1 - Locality Plan**). It is evident from **Plan 2 – Aerial Plan** and **Figure 1** below that Fuel Street has been incorrectly constructed over the subject property and is herewith brought to the attention of the Municipality.



**Figure 1: Fuel Street constructed over the subject property**

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**MOTIVATION**

The owner bought the property recently with the intent to develop the vacant property with a centre consisting of small shops. Due to its favourable position, the property presents an excellent opportunity for rezoning as it is located within one of the demarcated Local Retail Nodes of Pearly Beach, namely Local Retail Node 2 (N2). Therefore, the proposed rezoning is in line with the future development proposals envisioned by the OMSDF. The owner appointed WRAP Project Office to submit the land use application on her behalf and subsequently provided their consent (refer to **Annexure A - Power of Attorney**).

To achieve the owner's intent, approval of two applications is required, which includes removal of restrictive title deed conditions that restricts the property from being used for the proposed business uses as mentioned above. The property is proposed to be rezoned to allow shops rather than the present zoning which allows a service station.

**4. PROCEDURE TO ACHIEVE THE DEVELOPERS' INTENT**

WRAP compiled this report to ensure the owner's vision is achieved. The following is proposed:

**4.1 Removal of restrictive title deed conditions** to accommodate the proposed rezoning.

There are three title deed conditions that prohibit the land use rights required for the proposal. The rationale for the removal of these conditions is discussed below:

<b>Restrictive Title Deed Condition</b>
<i>Condition (C.)(4.)(b) – "It shall be used for the purpose of erecting thereon a garage and/or service station."</i>

The abovementioned condition prohibits the approval of the proposal to rezone the property. It is important to note that the area in which the property is located has been identified as a Local Retail Node. Retail is defined as 'to sell in small quantities directly to the ultimate consumer', and 'the activity of selling goods to the public, usually in shops.' This condition is therefore not aligned with the future framework for the area and the rezoning is required to allow shops rather than a services station.

<b>Restrictive Title Deed Condition</b>
<i>Condition (C.)(4.)(c) – "Not more than two – thirds of the area thereof shall be built upon."</i>

<b>Restrictive Title Deed Condition</b>
<i>Condition (C.)(4.)(d) – "No building or structure or any portion thereof except boundary walls, fences, verandahs and balconies shall be erected nearer than 2,36 metres of the street line which forms a boundary of this erf"</i>

The owners will be using the property for the purposes of shops which is in line with the proposed zoning. The development parameters within the OMLUS allows a coverage of up to 75% and street building lines of 0 meters. Therefore, it is evident that the above title deed conditions are more restrictive than what will be allowed in the OMLUS. The

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rationale for the removal of the restrictive title deed conditions is to enable the owner to achieve her intent highlighted in *Section 3* of this report. The reasoning for the removal of these restrictive title deed conditions will be discussed in detail in *Section 7* of this report.

**4.2 Rezoning** of Erf 333 Pearly Beach from Business Zone 4: Service Station to Business Zone 3: Local Business

The proposal is to rezone the property to a local business zone, which will permit the owner to develop shops. The primary use right of a Business Zone 3: Local Business zoning will allow the property to be developed as envisioned.

The development will comply with the applicable OMLUS development parameters of the proposed zoning, ensuring that the design and scale are in line with the character of the area.

The proposed use of the subject property can be classified as use for 'shop' which is defined by OMLUS as: *'...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 which are sold are manufactured and repaired, provided that the floor space relating to such manufacture or repair shall not exceed 50% of the floor space of the shop; it excludes an industry, service trade, motor repair garage, service station, adult entertainment business or sale of alcoholic beverages, and if such uses are included on the property, they shall be regarded as separate uses subject to such separate development parameters as may be determined by the Municipality.'*

Due to the property already being zoned for a business use and being in line with the future framework of the area, the proposed zoning is not out of character with the area. The proposal will offer a well-aligned development opportunity that supports the area's growth while maintaining consistency with the broader planning framework. The rezoning to B3 would allow for shops that would serve the local community, which is consistent with a Local Retail Node. The proposed zoning aligns with the OM's vision for balanced economic development, focusing on retail uses that cater to the needs of residents and visitors alike.

Additionally, the proposed shops will not only provide a valuable retail space for goods and services but also potentially contribute to local job creation and economic growth, benefiting the community of Pearly Beach. Given that the property is already zoned for a business use and is situated within the established Local Retail Node, the rezoning proposal is in harmony with the area's character and development framework.

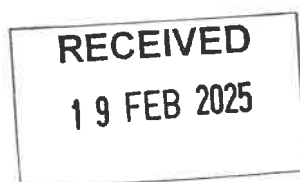
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**5. LAND USE ENVIRONMENT**

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The surrounding area of the subject property may be considered as a mixed-use area as depicted in **Plan 3** (Status Quo Zoning Plan), showcasing various types of land uses coexisting within the area where the subject property is situated.

This indicates that the proposal for a B3 zoning within the area would align with the existing character, considering that the subject property is situated within the Pearly





Beach Local Retail Node as outlined in the OMSDF. For a detailed in-depth review of how the application aligns with regulating policies, refer to *Section 10* of this report.

**6. TITLE DEED**

**6.1 Title deed restriction**

Condition (C.)(4.)(b) –

*"It shall be used for the purpose of erecting thereon a garage and/or service station."*

**Motivation**

**The rationale for the proposed removal**

The subject property is vacant and recently acquired by our client. The property has seen a shift in owners' intent towards a scale and nature of use that exceeds the current zoning regulations applicable. The sought-after business use is incongruent with the existing condition, necessitating its removal.

**Title deed condition background**

The title deed condition was initially aimed to ensure that the property will only be used for a garage and/or service station.

This title deed condition was formulated at the time when the Township of Pearly Beach was approved. The property was selected for a service station, but the needs of the community are changing over time, and the need of the current owner is for a different use of the property.

**Current development trend**

The once-relevant service station-only condition, conceived in 1989, now conflicts with the contemporary reality of Pearly Beach's dynamic blend of residential and commercial uses, rendering it outdated.

**6.2 Title deed restriction**

Condition (C.)(4.)(c) –

*"Not more than two – thirds of the area thereof shall be built upon."*

**Motivation**

**The rationale for the proposed removal**

The condition stipulates that no more than two - thirds of the area of the property may be built upon. However, the zoning regulations outlined in the OMLUS permit a coverage of up to 75% for properties zoned as B3. Adherence to this condition would therefore impede any future development on the property that conforms to the zoning guidelines. Hence, the removal of this condition is imperative to enable future development in accordance with the permissible coverage set by the zoning regulations outlined in the OMLUS.

**Title deed condition background**

This title deed condition was inserted at the time of approving the Pearly Beach township. This condition was intended to protect the residential character of Pearly Beach by only allowing a garage or service station to be built on two-thirds of the subject property.

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<b>6.3</b>	<p><b>Title deed restriction</b>  <i>Condition (C.)(4.)(d) –          “No building or structure or any portion thereof except boundary walls, fences, verandahs and balconies shall be erected nearer than 2,36 metres of the street line which forms a boundary of this erf”</i></p>
	<p><b>Motivation</b>  <b>The rationale for the proposed removal</b>          The subject property is proposed to be used for shops. The condition states that the area between the road boundary and the 2,36m building line may only be used for boundary walls, fences, verandas and balconies which does not align with the OMLUS development guidelines for B3 zoning and therefore, requires removal.</p> <p>The owner will be using the property for the purposes of shops which is in line with the proposed zoning. The development parameters within the OMLUS allows street building lines of 0 meters. Therefore, it is evident that the above title deed condition is more restrictive than what is allowed in the OMLUS. The area will therefore be built upon and not be considered a boundary wall, fence, veranda or balcony and the reason for the removal.</p> <p><b>Title deed condition background</b>          This title deed condition was inserted at the time of approving the Pearly Beach township. This condition was intended to protect the residential character of Pearly Beach by only allowing boundary walls, fences, verandas and balconies to be erected nearer than 2,36 meters of the street boundary of the subject property.</p>

In terms of the requirements of LUPA, the following is addressed in terms of Section 39(5)(a-f):

<b>LUPA, Section 39(5) (a-f)</b>	
<i>(a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;</i>	No person or entity will be affected financially by the removal of these restrictive title deed conditions.
<i>(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;</i>	No person is personally benefitting from this condition as this condition is only restricting the owner.
<i>(c) the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended;</i>	The owner will be gaining from the removal of the restrictive conditions as it will allow her to rezone the property and operate a business premises on the property.
<i>(d) the social benefit of the restrictive condition remaining in place in its existing form;</i>	These restrictive conditions do not provide socials benefits.

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<i>(e) the social benefit of the removal, suspension or amendment of the restrictive condition; and</i>	
<i>(f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.</i>	There is no specific beneficiary of these conditions, and no person or entity will be affected if this is removed.

**7. ZONING**

The property is zoned as Business Zone 4: Service Station and requires approval of a rezoning to be able to accommodate the development. The proposal requires the zoning to be Business Zone 3: Local Business. The following zoning parameters were therefore assessed in conjunction with the B3 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:

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<b>BUSINESS ZONE 3: LOCAL BUSINESS (B3)</b>			
<b>Land Use Restrictions</b>			
	<b>Parameters</b>	<b>Proposal</b>	<b>Comply/ deviate</b>
<b>Primary use</b>	<b>Shops, Dwelling Unit</b> (above ground floor) in accordance with 6.3.2, Flats (above ground floor), Offices, Restaurant, Caretaker's Accommodation and Self-Catering.	Shops	Applied for and motivated
<b>Consent uses which may be applied for</b>	Bottle Store, Business Premises, Clinic, Conference Facility, Dwelling Unit (on ground floor) in accordance with 6.3.2, Flats (On Ground Floor), Town Housing in accordance with 6.3.2, Tourist Accommodation, Hotel, Institution, Place of Assembly, 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).	n.a.	Comply
<b>Coverage</b>	The maximum coverage for all buildings on the land unit is <b>75%</b> .	Noted.	Comply
<b>Floor Factor</b>	The maximum floor factor is 1.5.	Noted.	Comply
<b>Height</b>	<ul style="list-style-type: none"> <li>i. The maximum height of a building, measured from the base level to the top of the structure, is 8,5 m.</li> <li>ii. The maximum number of storeys is 2.</li> </ul>	Noted.	Comply
<b>Setback</b>	<ul style="list-style-type: none"> <li>i. The Municipality may require that all buildings and structures on the property are set back at least 6,5 m from the centre line of the street.</li> <li>ii. Where special circumstances exist, the Municipality may require a greater setback.</li> </ul>	Noted.	Comply
<b>Building Lines</b>	<ul style="list-style-type: none"> <li>i. The street building line is 0 m, provided that a 5.0 m building line applies where fuel pumps are erected;</li> <li>ii. The side building line is 0 m, provided that where any Business Zone 3 abuts another zone, the side building line is 3,0m;</li> <li>iii. The rear building line is 3,0 m, provided that where any Business Zone 3 abuts another zone, the rear building line is 3,0m; and</li> </ul>	Noted.	Comply

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<b>Window and door placement</b>	<p>iv. Provided that the Municipality may require more restrictive building lines in the interests of public health or safety or the environment or in order to enforce any applicable law or right.</p> <p>i. Where a 0 m building line applies and where a wall of a building is erected 1,0 m or less from the side or rear building line, no door or window shall be permitted in the wall concerned.</p> <p>ii. Any portion of the building which contains a door or window onto a side or rear boundary shall be at least 1,5 m away from such boundary.</p>	Noted.	Comply
<b>Parking and access</b>	<p>According to section 17.1 of the OMLUS: Four bays per 100m<sup>2</sup> GLA are required. Flats: 1,5 bays for a 1-bedroom flat</p>	Noted.	Comply
<b>Loading Bays</b>	<p>The minimum off-street loading must be provided to the satisfaction of the Engineering Department.</p>	Noted.	Comply

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**8. SERVICES**

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

**8.1 Electricity, Water and Solid Waste**

The subject property is connected to the existing networks in the area, which include electricity, water and sewage. The proposal of this application is not anticipated to impact on existing services.

**8.2 Access, egress, and parking**

Due to the property being vacant, vehicular access and egress to the subject property will be determined at the time of building plan submission.

**9. NEED AND DESIRABILITY**

The need and desirability of the approval and implementation of this proposal in accordance with Section 66 (1) (c) of the OM By-Law can be illustrated as follow:

**Need and desirability.**

The need for the application arose from the vision of the owner to be able to unlock the maximum value of the property.

Socio-economic impact	<p>Business properties stimulate economic growth by generating employment opportunities. With the establishment of shops on the subject property, job opportunities are created, contributing to the local economy. The creation of new jobs enhances household incomes and boosts consumer spending, further driving economic growth and prosperity within the region.</p> <p>This increased economic activity leads to higher property values and attracts more investment and development, ultimately benefiting OM through higher property taxes and potentially increasing wealth for property owners.</p>
Compatibility with surrounding uses	The proposal is deemed to be consistent with the character of the surrounding area as illustrated in <b>Plan 4</b> (Proposed Zoning Plan).
Impact on the external engineering services	<p>Refer to Section 8 of this report.</p> <p>The Overstrand Municipality's Engineering Department will review the application to ensure that service capacities are adequate.</p>
Impact on safety, health and wellbeing of the surrounding community	It is not predicted that the proposal will have a negative effect on the safety, health, and well-being of the surrounding community.
Impact on heritage	The subject property is not listed in the OM Heritage Register.

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## MOTIVATION

Impact on the biophysical environment	The property is located within an established urban area and is therefore not predicted that the proposal will have an impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	The proposed use is not expected to have a large impact on traffic, as the expected traffic generation is not substantial due to the nature of the area.

### **Impact on views, sunlight and character of the area**

As the property is vacant, it is expected that development of the property will have an impact on views, sunlight and character of the area, but the impact will not be significant. The height restriction is two storeys, which is the same for residential properties in the immediate surrounding area. The owner will take great care during the design process to not significantly impact on the views, sunlight and character of the area.

### **Economic impact**

The vacant subject property, currently, has no economic impact on the surrounding area, but the proposed development would allow the subject property to add economic value.

The proposed development will provide several employment opportunities. The proposed development of the subject property will stimulate further economic growth to occur within the surrounding area and ensure economic contribution to Pearly Beach.

### **Opportunity cost**

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or forgoing valued land use rights of interested and affected parties when an application is approved. The proposed use of the subject property is not predicted to adversely affect the surrounding area as the use proposed is not a use that emanates a lot of noise or any noxious trades.

### **Environmental impact**

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

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## **10. POLICIES AND REGULATIONS**

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### **10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)**

The property is not located within the EMOZ.

### **10.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)**

The property is located not located within the HPOZ.

### **10.3 Spatial Planning Policies**

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

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**PSDF**

The PSDF is a product of a provincial inter-departmental and inter-governmental collaboration under the guidance of the inter-departmental steering committee in collaboration with the private sector, academia, and non-governmental organisations. This broad participatory process has created a shared spatial vision that is intended to inform spatial development patterns in urban and rural areas in the province.

Throughout the PSDF, economic development is a widespread term used and focussed on. Economic development is an aspect that is important to ensure the Provincial economy has a large impact on the National economy.

The continual growth of the Provincial economy means that economic activity should be stimulated in lower spheres of the government. This application to allow a business use is in line with the proposal to add value to the Pearly Beach area which in turn will have a positive impact on the Overstrand Municipality. The application relates to the development of economic activity which is in line with the PSDF.

**Overstrand Municipal Growth Management Strategy, 2010 (OMGMS)**

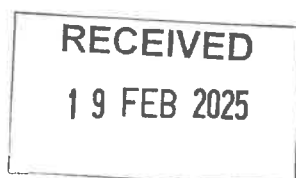
Although repealed, the Overstrand Municipal Growth Management Strategy is used as a guideline document to the municipality. The subject property is located in Planning Unit 3 of the OMGMS which is an area that consists of the current Pearly Beach built-up area. No further discussion is made under Planning Unit 3 regarding business facilities (OMGMS, 2010:92). According to the Local Spatial Development and Growth Management Principles, appropriate infill development of vacant portions of land already demarcated for urban development should be promoted. It is important to consider that the OMGMS was compiled during a period of slower growth, unlike the current situation. A review of the OMGMS and other spatial policies of the OM indicates that this shift in growth should be considered.

The owner has done market research and found it more viable to establish shops on the subject property. The proposal is found to be viable and will fit in seamlessly with the immediate surrounding area while still being a business-related use. This careful planning ensures that the development does not deviate from the established norms and maintains the character and cohesiveness of the Pearly Beach area. The proposal is not considered out of the ordinary and be aligned with the growth strategy of the OMGMS.

The subject property is situated within the development node according to Plan E & F of the OMGMS for Pearly Beach. The subject property is situated in the nodal development C area, further categorized within area C3. Area C nodal development is described as follows:

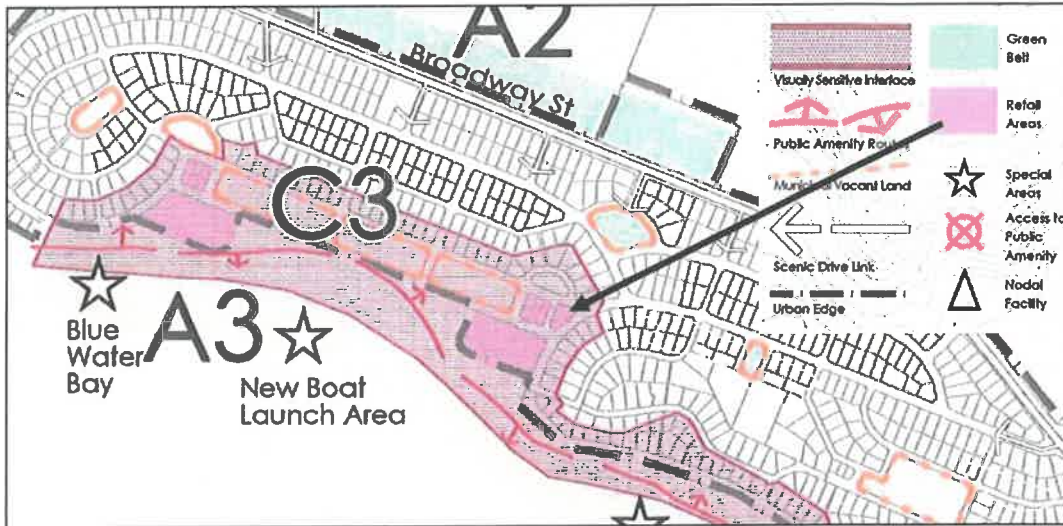
*"An urban design framework should be formulated for the potential node at the point of entry into Pearly Beach where limited densification could occur (C1).  
Similarly, a design framework should be formulated for the potential node at the coastal edge. (C2)."*

It is evident from the above that area C3 is not elaborated on but for both C1 and C2 areas, a design framework was proposed, and it may be assumed that it would be similar for area C3. The subject property has been included in the development node as "retail areas" and the proposal is to still develop the property as a commercial property





proposed that will be used for retail, refer to **Figure 2** below. The property is, however, not proposed as a service station as per the current zone, but for the retail as earmarked which fits into the area as earmarked.



**Figure 2: Nodal development C3 – Subject property earmarked as a retail area**

**MSDF**

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

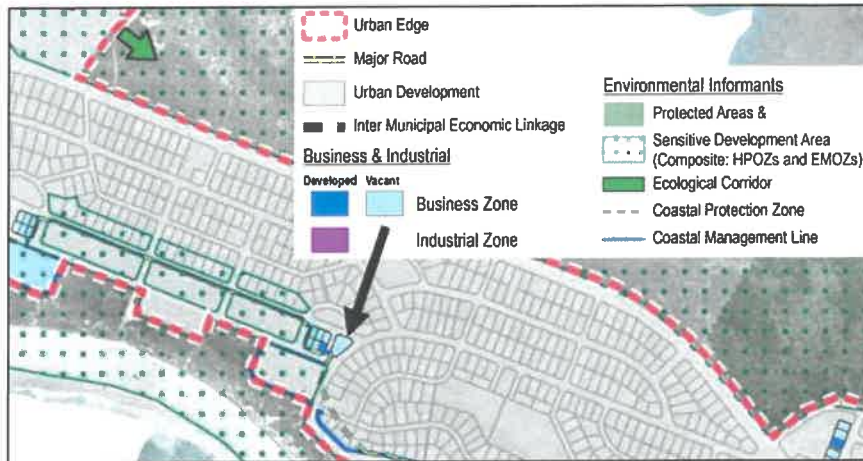
To ensure compliance with the principles and objectives set out by the PSDF and the National Development Plan, the MSDF was synthesised through the influence of these policies and frameworks. Ensuring economic development take place in the OM would ensure sustainable growth of the municipal area.

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## MOTIVATION

From reviewing the OMGMS, it is evident that that the property was classified as a commercial property, although the MSDF outlines in *Plan 68*, the spatial proposal for Pearly Beach, that the subject property is proposed as a business zone, refer to **Figure 3** below. Therefore, the proposal to rezone the property to a different business zone is consistent with the MSDF proposal for Pearly Beach.



**Figure 3: Pearly Beach Spatial Proposal 2020 – Plan 68 (MSDF 2020:230)**

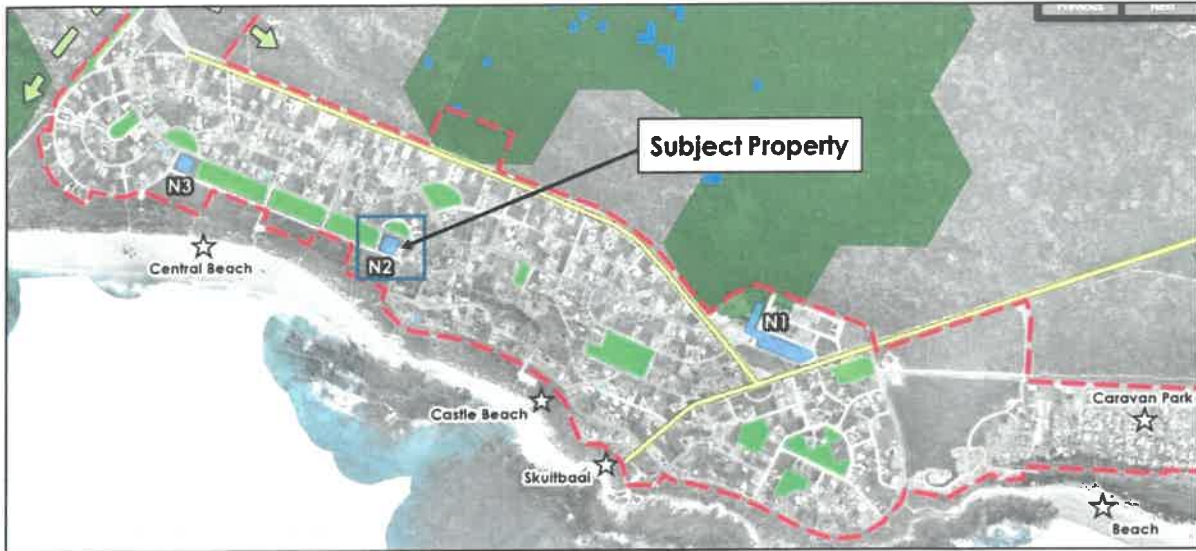
The MSDF further states that existing commercial land should be encouraged to be densified, and that decentralization of commercial development should not be permitted. Therefore, the proposal to keep the subject property as a business zoned property for business related uses is in line with the MSDF (pg. 231).

Even though the subject property is proposed to not be used as a service station, it will benefit the community of Pearly Beach as the property has been vacant and not used for a service station. The property owner bought the subject property with the intention to develop it when approval is received.

The area where the subject property is located, falls adjacent a Local Retail Node (N2) as identified within the MSDF's 2050 Vision: Pearly Beach. Refer to *Figure 4* for a visual illustration of the Retail Nodes and a visual representation where the subject property is located.

This property together with the properties indicated within the N2 Local Retail Node are all zoned for business use and are the only properties in this area zoned as such. The proposal does not necessarily deviate from the MSDF as it is still proposed to be used for business as per *Plan 68: Pearly Beach Spatial Proposal 2020 (MSDF, 2020:230)* and as illustrated in **Figure 4** of this report.

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**Figure 4: Pearly Beach Retail Node (N1) and Local Retail Node (N2 & N3) areas (OMSDF, 2020:228)**

Although located adjacent to the Local Retail Node, the subject property has always been zoned and earmarked for commercial activity, as clearly identified in the OMGMS, 2010. The proposal seeks only to alter the type of commercial activity on the property from a service station to shops. As the property is already a business property but not located within the Local Retail Node, it does not deviate from the MSDF, as it was earmarked for business use prior to the adoption of the MSDF in 2020. It is motivated throughout Section 10 of this report that the proposal will not be out of character with the adjacent area.

## **11. PLANNING PRINCIPLES**

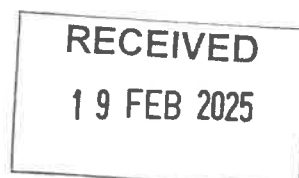
Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

### **Spatial justice**

Spatial justice refers to planning proposals which do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal for a business premises would encourage economic growth that in turn could employ less fortunate and not add to the perpetuate apartheid spatial development imbalances.

### **Spatial sustainability and Efficiency**

Spatial sustainability refers to planning proposals which result in communities that are viable. This proposal is intended to increase the economic power of the Pearly Beach area in the OM, this will aid that the Pearly Beach area is staying in contact with the ever-changing character.





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**Spatial resilience**

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

**Good administration**

The OM has a reputation for conducting effective public participation as part of its land use planning process. This process is an essential component of land use planning, as it allows people who may be affected by the development to provide feedback and raise any concerns or suggestions for improvement. This ensures that the development is in line with the needs and desires of the community.

All comments and feedback received during the public participation process will be carefully reviewed and considered by the relevant authorities. Any issues or concerns raised will be addressed, and suggestions for improvement will be considered where possible. This approach ensures that the final outcome benefits both the community and the property owner.

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## EVALUATION AND RECOMMENDATION

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### 12. EVALUATION

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The owner has enlisted the services of WRAP Project Office to determine the 'highest and best use' of the property within the provisions of the relevant policies, legislation, and development parameters of the proposed zoning.

After careful analysis and assessment of the property, it has been determined that the proposal is in line with the policies and legislation, as evaluated throughout this report. As per the OMSDF, the area has been identified as a retail node that will allow smaller localized businesses, which aligns with the intent of the proposal.

Furthermore, the proposed land use is not out of context with the surrounding area and is not seen as an undesirable proposal. The development aims to maintain the character of the area and is not expected to significantly impede views or sunlight.

In conclusion, the proposed development is a viable option that aligns with the policies and legislation of the OM. The owner will take the necessary steps to ensure that the proposal is planned and executed in a sustainable manner, and it is expected that the vision of the owner will contribute positively to the economy of the area.

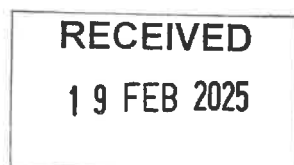
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### 13. RECOMMENDATION

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

- 13.1 Removal of restrictive title deed conditions** to accommodate the proposed rezoning in terms of Section 16(2)(f) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.2 Rezoning** from Business Zone 4: Service Station to Business Zone 3: Local Business in terms of Section 16(2)(a) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020.



2. Aerial Plan  
Erf 333 Pearly Beach

Plan prepared by: Veronica Jansen

All distances are approximate  
and subject to a survey

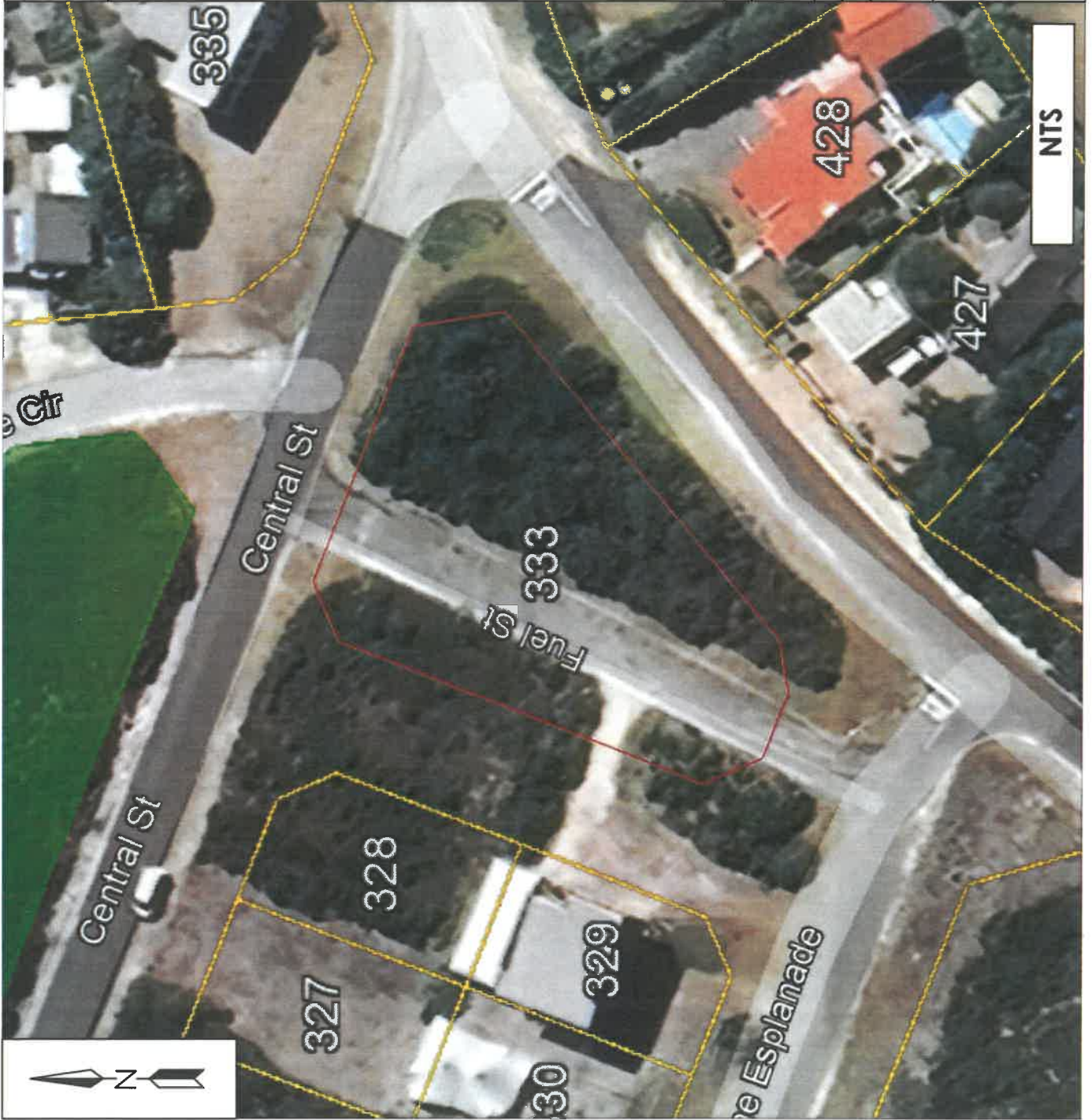
Tel: 028 313 1411

Email: [admin@wrapgroup.co.za](mailto:admin@wrapgroup.co.za)








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Corner of Royal and Dirkie Uys  
Street Hermanus, 7200



**Project Office**  
Town Planning & Project Management



### 3. Status Quo Zoning Plan Erf 333 Pearly Beach

	Residential Zone 1: Single Residential
	Open Space Zone 2: Public Open Space
	Transport Zone 2: Road and Parking
	Business Zone 4: Service Station
	Business Zone 3: Local Business
	Open Space Zone 1: Nature Reserve
	Subdivisional Area

Plan prepared by: Veronica Jansen

All distances are approximate  
and subject to a survey

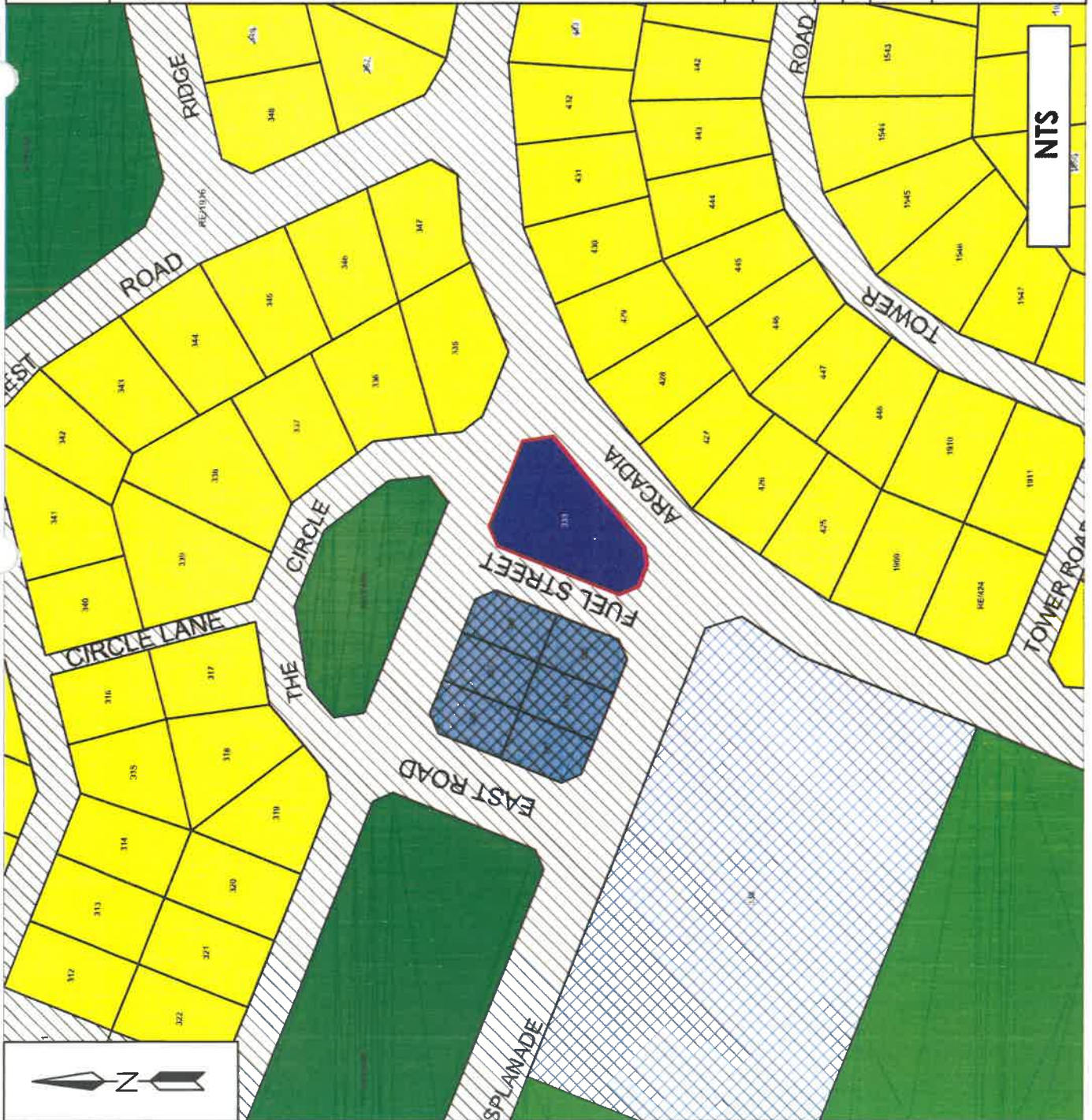
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Street Hermanus, 7200



**Project Office**  
Town Planning & Project Management



# 4. Proposed Zoning Plan Erf 333 Pearly Beach

-  Residential Zone 1: Single Residential
-  Open Space Zone 2: Public Open Space
-  Transport Zone 2: Road and Parking
-  Business Zone 4: Service Station
-  Business Zone 3: Local Business
-  Open Space Zone 1: Nature Reserve
-  Subdivisional Area

Plan prepared by: Veronica Jansen

All distances are approximate  
and subject to a survey

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